

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 OCTOBER 2008 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 OCTOBER 2008 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr K Allen	-	Deputy Mayor (Presiding Member)
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms T. Truscott	-	Media Liaison Officer
Ms C. O'Sullivan	-	Communications Manager
Mrs L. Jakovich	-	PA to Directors Planning & Development / Engineering & Works
Ms V. Viljoen	-	Personal Assistant to Chief Executive officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm and read the following statement.

Ladies and gentleman, firstly I would like to welcome you all here this evening.

Many of you no doubt are here this evening to voice your concerns regarding Mayor Stephen Lee, the CCC findings and the ongoing tenure of Council.



I will be making a brief statement on the matter on behalf of the City of Cockburn Elected Members here tonight.

Before that let me emphasise that tonight I will be extending public question time so that questions can be taken from the floor for an additional period of time.

We will only take questions (not statements) from residents who wish to raise their particular question in an orderly and respectful fashion. I would remind you that there are individuals here this evening who have planning issues seeking Council's decision on their matters as well.

You would be aware of the decision made by Mayor Stephen Lee to take a leave of absence from the position of Mayor. Mr Lee intends to use this period to seek an independent review of the CCC findings via the Western Australian Parliamentary Inspector.

Mayor Lee's decision was made voluntarily and has been supported by Western Australian Minister for Local Government, Mr John Castrilli. Mr Lee's leave took effect from Wednesday 8 October 2008 and he is not in attendance here this evening.

During Mayor Lee's period of absence I will assume his civil mayoral duties, including the chairing of Council meetings.

There are many of you here this evening that have made repeated calls for the Elected Members, including myself, to stand down from Council. Let me state on behalf of the Elected Members that are here this evening that it is not our intention to resign.

The Minister has indicated his support for a period of review undertaken by the Parliamentary Inspector.

In the interim, and I certainly hope that this period of review will see the matter resolved either way, the Elected Members will focus on our roles as Councillors without the distraction of ongoing speculation and conjecture over Mr Lee's tenure as Mayor.

I would like to formally commence this evening's meeting of Council.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

3. DISCLAIMER (To be read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written



advice from the Council prior to taking action on any matter that they may have before Council.

4 (OCM 9/10/2008) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Nil

5 (OCM 9/10/2008) - APOLOGIES AND LEAVE OF ABSENCE

Clr Sue Limbert
Mayor Stephen Lee

Apology
Leave of Absence

6 (OCM 9/10/2008) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

It is confirmed that all written questions submitted but not completely answered at the Ordinary Council Meeting held on 11 September 2008 have been responded to in writing.

It is confirmed that the verbal question from Mary Jenkins on Item 14.7 Cockburn Coast Draft District Structure Plan has been responded to in writing.

It is confirmed that the verbal question from Logan Howlett regarding employees who are members of any arm of the Defence has been responded to in writing.

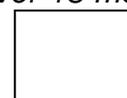
**7 (OCM 9/10/2008) - PUBLIC QUESTION TIME
WRITTEN QUESTIONS - MATTERS ON THE AGENDA**

Mrs Robyn O'Brien – Munster

Item 14.5 Proposed Structure Plan Lot 7000 Hammond Road Success

Q1 *Why has the Council advertised this structure plan on 19 August, within a week of receiving the final version of the structure plan according to the officer's report when Council refused to advertise the Local Structure Plan that we put in for Munster without general assistance that was lodged in January 2007?*

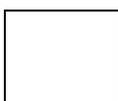
Q2 *This Agenda item involves a wetland requiring a buffer and details from the DEC Wetland Branch and the water authorities, etc, which the advertising period made possible to obtain the views and requirements of the other parties including neighbours and agencies. This is what we sought to do and what we tried for over 18 months to*



do with this Council and you forced us to go to SAT. We were told that the Council would not advertise our plan because there was a Water Corp. odour buffer on the proposed land but during the SAT appeal process evidence was produced and accepted by Council that there was no odour buffer EVER in existence. Despite this being Council's only objection, according to Alan Blood, the others were all solvable. Council refused our request to withdraw their objection to advertising our plans at the April Council Meeting and continued with an expensive 4 day SAT hearing and final submission at ratepayer's expense?

- Q3. *Why has Council been supportive and lenient and helpful to this structure plan and not to ours?*
- Q4. *Will Council officers re-look at our Local Structure Plan and our request to advertise it. Council decided in April that it could not decide to withdraw their objection to advertising; the Councillors who talked to me afterward, Sue Limbert, Val Oliver, seemed misinformed. They said they were going to look into it and others never got back to me. SAT and Council Policy says they can change their decision at any time and withdraw from SAT. I think they all know that and they didn't?*
- Q5. *Will the CEO undertake an investigation into whether the Councillors were advised correctly of what their duty or reasonability was in relation to being able to vote and withdraw their objection to advertising?*
- Q6. *Will you please tell me how much of ratepayers money was spent on Council refusing to advertise our structure plan and going through those long lengthy processes?*
- A1-4. Like all structure plans, the proposal that is currently under consideration by Council tonight has been assessed against the requirements of Town Planning Scheme No. 3 and processed in accordance with the requirements of Part 6 of the Scheme. The initial proposal for the structure plan under consideration in Council's meeting tonight was in fact submitted in late 2007. At that time it was identified as deficient in respect to a number of aspects and discussions were held between Council staff and the applicant in order to resolve all those issues prior to advertising, so the advertising did not occur till these matters were satisfactorily resolved.

In respect to the Munster structure plan there were a number of technical deficiencies relating to the design that could have been resolved and these were actually identified to the proponent at that particular time. However, the application was considered by Council officers to be fundamentally flawed in that due to the odour issues



associated with the Woodman Point Waste Water Treatment Plant, it did not pass the orderly and proper planning test required under the Scheme. Given that the decision of the State Administrative Tribunal is imminent and that there was nothing fundamentally different presented at the hearing, there is no reason for Council to reconsider its previous decision. Furthermore, it is not a matter that is under consideration at this meeting tonight.

Mrs O'Brien stated that there was fundamental evidence presented that was different and it wasn't that there was no buffer.

The Presiding Member advised Mrs O'Brien that the Director Planning and Development would arrange a meeting with herself to review her concerns. The Presiding Member also advised Mrs O'Brien that he would take her further two questions on notice and requested the Acting Chief Executive Officer to respond in writing.

Colin Crook – Spearwood

Item 17.1 Sale of land Lot 14 and Lot 22 Progress Drive Bibra Lake

- Q1 *Did Council have an agreement with Western Australian Croatian Association in that if Lot 21 was sold, would Council would have first refusal?*
- Q2 *Has this agreement been broken?*
- Q3 *Is Council going to sue?*
- Q4 *When did W.A.C.A. take a lease on Lot 22?*
- Q5 *Who are Nicvira Pty Ltd?*
- Q6 *Are they connected to W.A.C.A.?*
- Q7 *Why isn't there a simple map in the Agenda showing the 3 Lots (i.e. Lots 14, 21, and 22), so that we can all understand that Lot 21 is not actually in the equation here?*
- A1 Council had the opportunity to purchase lot 21 but at its meeting of the 8 December 2004 declined to do so?
- A2 The Western Australian Croatian Association did not meet the conditions of the lease and the City is currently under negotiations with the association to surrender the Lease.
- A3 Council has made no decision to sue the Western Australian Croatian Association and it is not expected that such a decision would be made.
- A4 The Western Australian Croatian Association signed the lease on lot



22 on 29 August 2003.

- A5 Nicvira Pty Ltd is understood to be a company owned by Nic and Elvira Stati. They purchased Lot 21 from the Western Australian Croatian Association.
- A6 There is no known connection between Nicvira Pty Ltd and the Western Australian Croatian Association.
- A7 Lot 21 is clearly shown on options provided with the boundaries of lots 14 and 22 shown on a plan. The options provided were developed without consideration of the lot boundaries as these are all owned and controlled by the City.

Daniel Correia – Fremantle

Item 14.3 - Development Application supermarket, shops, tavern and drive through bottle shop at Lots 453 and 454 (Nos 1 and 2) Macquarie Boulevard, Hammond Park

Mr Graham Taylor, Crawley, spoke on behalf of Mr Daniel Correia:

- Q1. *Is Council aware that the proposed shopping centre and tavern are designed to be complementary to each other in both in the context urban form (fronting Macquarie Boulevard) and as commercially sustainable entities, and as such the viability of proceeding with the project is dependent on both the tavern and shopping centre being constructed (and opened) in unison?*
- Q2 *Is Council appreciative of the fact that the proponents and operators of the tavern are intending for this venue to be a local community oriented establishment with a focus on food and as such will not have a dedicated sports bar and TAB (or in fact any single large 'rooms'), unlike other larger taverns that may exist within or near district or regional centres?*
- Q3 *Is Council aware that the proponents of the tavern have engaged specialised consultants in the formulation of a detailed management plan and staff training to ensure orderly conduct of patrons to minimise any disturbances to adjacent residents, and that they have engaged acoustic and traffic engineers to assist with the designed outcome?*
- Q4 *Is the Council appreciative of the fact that the tavern and the retail parts of the development are being designed to a very high standard and after over 12 months of close consultation with the City of Cockburn planning administration, and that during that time, several major changes to the plan have been made to respond to requests from the administration?*
- A1. The City is aware that both elements of the proposals are



complimentary to each other in respect to the physical design and their respective operations (particularly in respect to the overall parking management of the two sites). The issue of commercial viability is not a relevant planning issue and therefore would not be taken into consideration when the Council determines the proposal.

- A2. The City is aware that the proposed tavern is designed, with approximately half the floor area to be used as a bistro food area and does not propose 'sports' bars or TAB. The recommended approval requires that the development only being undertaken in accordance with the application as submitted. The nature of the proposed operation is therefore required to be as depicted on the plans as approved by Council.
- A3. The City is aware that the proponent will be preparing a detailed management plan for the operation of the tavern and it is recommended that a condition be imposed formally requiring the preparation of suitable management plan and that the plan be lodged with the City prior to the release of a building licence for the development. It is also recommended that conditions be imposed requiring the tavern be designed with a qualified acoustic engineer to ensure that the tavern will be suitably attenuated to ensure noise levels comply with the requirements of the Environmental Protection (Noise) Regulations.
- A4. It is acknowledged that the City has been in close consultation with the proponent and the proponent's consultants in respect to the design of both the proposed shopping centre and tavern for a considerable period of time and that the current proposal is a direct result of those detailed discussions and negotiations.

WRITTEN QUESTIONS - MATTERS NOT ON THE AGENDA

Mr Colin Crook, Spearwood Coogee Beach Surf Life Saving Club

- Q1 *In the Sunday Times dated 5 October 2008, there was an extensive write up regarding the start of the new beach patrol season (see enclosed photo copy); Coogee was listed. I was at the beach most of the day and there was no sign of our local club members. Is this a true Surf Club or just a charade?*
- A1 Individual Surf Life Saving Clubs have agreements with Surf Life Saving Western Australia and the Local Government Authority on their patrol times. The Coogee Beach Surf Lifesaving Club commences and schedules patrols based upon historic beach usage patterns for Coogee Beach. The Coogee Beach Surf Life Saving Club will commence their patrols at 8.00 am on Sunday, 26 October 2008. Other larger clubs on more popular beaches may start their patrols earlier in October, for example 5 October. Some clubs in the



southwest of the State do not commence patrols until December based upon their local beach usage patterns. The article in the Sunday Times listed the beaches that were patrolled during the summer season. It was not correct that all these beaches would be patrolled as of 5 October 2008. The City is pleased that the Coogee Beach Surf Life Saving Club is able to provide this service.

Glen Diggins, Coogee
Current Credit Crisis and Road Drainage Sumps

Q1. *In view of the current credit crisis sweeping the world, what is the Council's position? Have they, like other Councils, lost ratepayer funds?*

A1. The Council and its officers are monitoring the impact of the credit crisis on Council's finances as well as the impact of falling interest rates. Unlike many other Council's, the City of Cockburn is currently debt free and has not experienced the impact of the de-leveraging process that has had such a negative impact on many companies world wide including governments. At present, all investments both structured and term deposits continue to pay interest and principal as and when they fall due.

The Presiding Member asked the Director of Finance and Corporate Services if Council had lost any money. The response from the Director was that the Council had not lost any money at all.

Q2. *The road drainage sumps that have been established on both sides of Cockburn Road adjacent to the entrance to Coogee Beach are unsightly and causing considerable community concern. What is Council doing proactively to negotiate an acceptable outcome?*

A2. The City is continually seeking feedback from the developer on the progress of the revegetation of the drainage sumps. The irrigation works have commenced and a program for the landscaping has been prepared. The developers have advised that they are currently finalising the tender documentation for the landscaping works and the sump at the café will be a priority with works commencing in approximately 3 weeks. The City will continue to monitor the outcomes to ensure that the completed work meet the City's and the community's expectations.

QUESTIONS FROM THE FLOOR - ITEMS ON THE AGENDA

Mary Jenkins, Spearwood
Item 14.7 – Cockburn Coast Draft Structure Plan

Q1. *Is the Council aware, according to this, that they are out of date because the advertising period for closing is 15 September. It has been extended to 12 or 13 October and in the amendment items*



there is one page here of submissions received in the public comment period. I attended one of those and I cannot see anything here that I commented on. I have sent a submission from the Spearwood Community Association to the WA Planning Commission and a personal one as many people have. I would like to ask Council if they made their decision and recommendation for this plan without seeing the submissions that have been put to the WAPC and it looks as though they made their decision on a few things here and it just isn't good enough because they are not informed.

- A1. The Director of Planning and Development advised Council that there was no item 14.7 on the agenda and believed the item Mrs Jenkins was referring to was considered and determined by Council at the September meeting and was therefore not a matter up for consideration.
- Q2. *Does Council realise that there has been an extension of submission to October for this and there have been an awful lot of submissions put to the Planning Commission not from Council.*
- A2. The City was aware the Planning Commission had extended the period of public consultation. Council has made a formal submission to the Planning Commission in respect to the structure plan. The structure plan is being advertised by the WAPC and all submissions are directed to the Planning Commission. The Planning Commission does not provide copies of the submissions received to any third parties.

Pat Howlett, North Lake

Item 17.1 Sale of Land – Lot 14 and Lot 22 Progress Drive, Bibra Lake

- Q1. *When will the residents be given the Bibra Lake Management Plan to have a look at, when all the money is going to be spent on the Bibra Lake Management Plan, when are we going to know about it?*
- A1 Staff are currently finalising a report to come to the November Council meeting regarding the draft Bibra Lake Management Plan. It will be premised by a recommendation to advertise the draft report and seek community feedback.
- Q2 *Mrs Howlett believed the Council was going for Option 2 and would retain the heritage trees and the ratepayer's memorial. She congratulated Council on that, but asked why retain if what is going to be put there is going to do detrimental damage to the heritage tree? She did not understand how Council could do both and believed the heritage trees should not be disturbed at all.*
- A2 There has been a great deal of consideration given to the preservation of the memorial and the heritage listed trees and the recommendation in the report identifies that they need to be protected.



QUESTIONS FROM THE FLOOR – NOT ON THE AGENDA

Don Miguel, North Lake

Q1 *Mr Miguel asked if all Councillors had read the CCC report because two Councillors had admitted over the phone they have not seen it. Have all Councillors read the CCC report?*

A1 The Presiding Member advised Mr Miguel that he had read the report, and that it was up to the individual Councillors if they wish to respond.

All Councillors responded that they had read the CCC report.

Q2 *Mr Miguel asked if Council had lost money with the American financial collapse as there had been conflicting statements, some have been in the press, and he was aware that Council had employed consultants to see how it could ensure that it did not loose money.*

A1. The Director Finance and Corporate Services advised that Council has not lost any money.

**Robyn O'Brien, Munster
Local Structure Plan**

Q1 *This is about September's meeting and it is about another Local Structure Plan on Item 14.1 that Council staff was recommending to be changed from Urban Deferred to Urban, as we asked to have done and despite a number of issues that was still approved by a number of officers.*

Mrs O'Brien then went on to make several personal statements about Officers and Councillors.

The Presiding Member advised Mrs O'Brien that she could not make statements and requested her to clarify her question. As Mrs O'Brien did not respond the Presiding Member requested her to take her seat, which she refused to do, several times.

AT THIS POINT, THE TIME BEING 7.43PM, THE PRESIDING MEMBER ADJOURNED THE MEETING.

THE ELECTED MEMBERS RETURNED TO THE MEETING AT 8.02PM AND THE PRESIDING MEMBER RESUMED THE MEETING.

The Presiding Member advised the meeting that Public Question Time was normally for a period of 15 minutes and it had been going for a period of 40 minutes, however he was prepared to continue to extend Public Question Time for a short while, for this meeting, and requested the public to ask their questions in a civil manner.



**Logan Howlett, North Lake
Council Finances**

Q1. *Does the Council have any loans, at all, for any purpose?*

A1. The Director Finance and Corporate Services confirmed that Council did not have any loans and had no loan debt. Council has some money in the budget; and was going to borrow money last year but this did not transpire. Council has flagged it in this year's budget and will be looking to borrow money to expedite the construction of the Hammond Road Regional Recreational facility in March or April next year as the construction progress goes forward, but it has not actually occurred as yet. It must go in the budget otherwise the WA Treasury Department insists on a number of other requirements. The City has not borrowed any money, and it has no debt other than normal creditor and staff entitlements.

Q2. *Is Council publishing on its website and making available hard copies of its investment plans? Most other Councils in Western Australia provide on their website a list of every single investment they have, the date, the money that was invested, the amount, its maturity date, who they invested the money with. Whilst the City of Cockburn does not have that publicly available, people will continue to question why they are not being told what is happening with the money. It is ratepayers' money and they want to be told what is happening with it, and they want that information available to the community. Nearly every other Council has it available without exception.*

Mr Howlett resumed his seat with no response provided.

**Colin Crook, Spearwood
Parking at the Coogee Café**

Q1. *Is there a Councillor present who will take it upon themselves to investigate whether a review of the parking arrangements at the Coogee Café is necessary?*

Q2. *Was the three bay allotments to staff a condition written into the lease?*

Q3. *Who is responsible for this unfair decision? Council must obviously take the ultimate blame for this unfair decision and favouritism as the three prime positions allotted to staff are causing some dispute amongst regular patrons. There are other bays where staff could park which would eliminate the present ill feeling. Why can't Council put the staff parking away from the entrance to the café?*

A1-3. The Director of Engineering and Works confirmed that he had spoken with Mr Crook early in the day and that he would review the matter and respond back to him in writing.



Mr Crook then tabled his set of questions.

**Bjorn Jonshagen - Richardson Road, Coogee
2005 Election Campaign**

Q1 *At the time of the 2005 elections a lot of glossy brochures came into my letterbox every day and there were advertisements in all the papers. It was clear to anyone that there was tens of thousands of dollars spent on this election campaign. It was an election campaign put out by Stephen Lee's Team, and every one of those pictures had Kevin Allen next to Stephen Lee. Mr Jonshagen then asked Deputy Mayor Allen where he thought the money came from for the ad campaign?*

A1 The Presiding Member advised the meeting that:

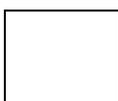
- He was never interviewed by the CCC.
- He was never called before the CCC.
- Because there were rumours circulating after the 2005 election regarding some members not declaring, the City instigated an independent audit through their solicitors, and the audit cleared the Elected Members.
- Not only did the City initiate an audit, but the Department of Local Government also conducted an independent investigation and audit and, again, they also cleared individuals.
- Both the former Clr Graham and (then) Clr Allen (now Deputy Mayor) requested a bill so that they could pay their contribution towards that campaign, and they are the facts.

Q2 *Mr Jonshagen asked if Deputy Mayor Allen had paid the bill?*

A2 The Presiding Member confirmed that he had paid the bill in full.

**Dot Hopkins, Coogee
Coogee Beach Progress Association**

Q1 *Mrs Hopkins stated that in 2003 the Coogee Beach Progress Association was taken over when Kevin Allen walked into the Association with a whole lot of new members and they voted in a very Australand orientated committee. Since that time she and other people in the district had not been able to have a say in the local community association. She noticed that on the strategy committees they are all very Mayor orientated and that the three Councillors for the West Ward, appeared to be well and truly Australand orientated or Surf Club orientated.*



- A1 The Presiding Member advised that he did not “walk in” in 2003 and had, in fact, been a member of the Coogee Beach Progress Association since 1991.

**Zoe Inman, Coogee
Reduced Quorum**

- Q1 *Do Councillors think it is good governance to have three Councillors voting to pass an Australand related Agenda item? Do you think that three Councillors, which is not a quorum and for which you have to get special dispensation to do this, it is good governance?*
- A1 It is good governance. There is a capacity for a reduction in a quorum to be sought through the Local Government Act. That is the avenue which has been followed on every occasion when it has been necessary.
- Q2 *Why do you think that it is necessary on so many repeated issues when they are basically, nearly all the time, related to the same development?*
- A2 The Acting CEO advised that the facilities were available via the Local Government Act when there was a reduction in the quorum. It was only on a minimum of occasions, in fact very few items percentage wise, and did not happen very often.
- Q3 *Would all Councillors please respond, do you think it is good governance to have three Councillors vote on issues?*
- A3 The Presiding Member advised that Councillors considered it good governance.

**Darren Jones, Coogee
Legal Costs**

- Q1 *The Mayor had all his legal costs from the CCC paid for by Council. The papers reported that if he was found guilty he had to pay it back. Has that happened and, if not, when will it happen and can we see the receipt?*
- A1 The Mayor applied, under Council’s Legal Representation Policy, for funds to be able to commence legal proceedings. He has since repaid those funds and Council is happy to show Mr Jones the receipt.

**Ray Woodcock, Spearwood
Support for the Mayor**

Mr Woodcock asked Councillors if they supported the Mayor would they stand before the gallery and tell them so and why.



The Presiding Member advised that the Councillors did not need to respond, that there was a process the Mayor was going through and Council would see what transpired.

**Elizabeth Bortelli, Hamilton Hill
Cockburn Tennis Club**

Q1 *Mrs Bortelli asked about the Cockburn Tennis Club, of which she was President for many years. Council has closed it down which was a shame as it has been going for over 30 years. Is it earmarked for development? Has Council got it earmarked for development, because it is all vacant land?*

A1 The Acting Director for Administration and Community Services advised that the Cockburn Tennis Club has not been closed down by Council. The tennis club had approached Council because they were having problems getting a strong membership. A meeting took place with the main members and the City's Community Development officers looking at ways to reinvigorate the club. The club is still in existence and they are going from strength to strength. The Club has been in existence for many years and will continue in the future. Council has no intention of closing the club down. It is the club's choice at the end of the day if they intend to continue to operate.

**Mr Marlow, Hamilton Hill
Council Credit Card**

Q1 *Has the Mayor's handed in his Council credit card and his petrol card?*

A1 Councillors do not have access to a credit card or a petrol card, and neither does the Mayor. Elected Members apply for mileage by submitting a receipt, which is then provided via an allowance.

Q2 *The Mayor has a car allowance - does that covers all costs for a car?*

A2 The Mayor has been granted a Mayoral Allowance by the City and all Councillors are allowed to claim a mileage reimbursement.

Q3 *Why does the Mayor get a car allowance because that covers petrol?*

A3 No Councillors in Western Australia receive a Council provided credit card. Three years ago the Local Government Department issued an instruction withdrawing all credit cards. The Local Government Act does not allow Councillors to incur credit or debt on behalf of the Council; that can only be done by officers. No Councillor has a fuel card. Councillors can claim a mileage reimbursement by submitting a claim with receipted justification which they do on a needs basis.



Robyn Scherr, Coogee
Leave of Absence

The Presiding Member advised Mrs Scherr that there were two members of the public waiting their turn to speak; however, Mrs Scherr chose to ignore this point and continued to speak.

Q1 Mrs Scherr asked the Councillors if they understood that if they granted the Mayor three months leave with full pay he was effectively being given a paid holiday as a reward for his misconduct? If Councillors genuinely believed the Mayor should resign, then they should refuse his leave application and pass a motion of no confidence in him.

A1 The Presiding Member confirmed the item was on the Agenda and that it was every Councillor's legal right to be granted leave of absence when it was applied for. The Mayor has taken the decision to take three months leave of absence where it is understood that he intends to seek an independent review from the WA parliamentary inspector and the Councillors respect that decision. The Minister for Local Government, the Hon John Castrilli, has also endorsed and supported this move.

Arie Hol, South Lake

Mr Hall advised that he had emailed all Elected Members of Council and that the question consisted of five simple words - truth, honour, integrity, representation, democracy - all of which he believed had disappeared. He then asked who could we trust?

Ray De Mouilpied, Coogee

Q Mr De Mouilpied advised that he stood for Council at the last election and got 700 votes. The reason he got such a low amount was because he was told by the security officers at the Phoenix Shopping Centre that he was not allowed to give out any voting slips to anyone and that it was from instructions from certain people in the Council. Mr De Mouilpied also stated that he was outside St Jeromes Church, giving out pamphlets (with permission from the Priest to do so) when Clr Allen approach and said he was doing the wrong thing. What is the legal situation?

A The Presiding Member advised that in relation to the incident at the church that day, he personally believe it was entirely the wrong place to hand out pamphlets and said so. The Presiding Member advised that as far as the shopping centres were concerned, it had nothing to do with Council and that it was up to the shopping centre owners to make their own decision.



**Mrs Robyn Scherr, Coogee
Coogee Beach Progress Association**

Mrs Scherr again approached the podium without an invitation from the Chair and spoke about the Coogee Beach Progress Association issuing a newsletter in four languages - Portuguese, Italian, Croatian and English – at the time of the 2007 elections, advising who the public should vote for.

AT THIS POINT IN THE MEETING, THE TIME BEING 8.32PM, THE PRESIDING MEMBER (AT THE REQUEST OF CLR ROMANO) CALLED FOR A POINT OF ORDER TO ALLOW OTHER PEOPLE TO ASK QUESTIONS WHO HAD NOT PREVIOUSLY HAD THE OPPORTUNITY. THE PRESIDING MEMBER ADVISED HE WOULD TAKE TWO MORE QUESTIONS.

Debbie ???, Hamilton Hill

Q. *Debbie asked Cr Whitfield if Mayor Lee had his confidence.*

A Clr Whitfield stated that it was an interesting question and that he believed the Mayor had confidence in him (Clr Whitfield) as an integral part of the running of the City of Cockburn.

Q *Debbie asked Clr Whitfield if he had confidence in and gave his full backing to the Mayor.*

A Clr Whitfield stated that he did not.

Q2 *Debbie asked if Clr Whitfield or any of the Councillors had asked the Mayor to resign.*

A Clr Whitfield clarified that he had not said “please resign” but that he had said “I think it would be best if he resigned”.

Q *Debbie stated that the Ratepayers at the meeting wished for the resignation of the Mayor, and asked Clr Whitfield if he would act on their behalf and put this forward, together with a petition from this forum here tonight, and request the Mayor to resign.*

A Clr Whitfield confirmed that he would do so.

**Mr Rex Sallur, Bibra Lake
Item 17.1 – Lot 14 and Lot 22 Progress Drive**

Q *Mr Sallur advised that he had been a ratepayer for 40 years and recollected that a lot of people put a lot of time and effort into submissions to save the land against the threat of commercialisation. The older ones should know that complete area was a natural pathway between South Lake and Bibra Lake and that many years ago, with heavier rainfalls; it was probably one large lake. North Lake*



Road then cut it in half. Of the six options for this land, Mr Sallur would like to recommend a small section be revegetated for a barrier. It was originally a pathway between two lakes. Mr Sallur recommended that Option 6 be the only option with no commercialisation and Council should revegetate the whole area with underpasses to put animals back between the lake.

A The Presiding Member thanked Mr Sallur for his contribution.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3810) (OCM 9/10/2008) - CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 11 September 2008, be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr H Attrill that the recommendation be adopted.

CARRIED 7/0

9 (OCM 9/10/2008) - WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Mayor Stephen Lee - Leave of Absence to be dealt with at Item 21.

10 (OCM 9/10/2008) - DEPUTATIONS AND PETITIONS

Nil

11 (OCM 9/10/2008) - BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)

Nil.

12 (OCM 9/10/2008) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil



AT THIS POINT IN THE MEETING, THE TIME BEING 8:42 PM THE FOLLOWING ITEMS WERE CARRIED BY AN 'EN BLOC' RESOLUTION OF COUNCIL:-

ITEMS:

14.1	14.2	14.4	14.5	14.6
15.1	15.2			
16.1	16.2			

13. COUNCIL MATTERS

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3811) (OCM 9/10/2008) - PRIVATE SWIMMING POOL INSPECTION PROGRAM - AUTHORISATION OF PERSONS TO INSPECT IN ACCORDANCE WITH SECTION 245A OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3211) (J WEST)

RECOMMENDATION

That Council authorise the following persons to inspect land and swimming pools pursuant to Sections 245A (1) & 245 (5) and exercise the powers pursuant to Section 245A (6) of the Local Government (Miscellaneous Provisions) Act 1960:

1. Mr Cyril Ernest Nicholls
2. Mrs June Rose Nicholls
3. Mr Mathew Adam Nicholls
4. Mr Arron Selfe

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0



Background

In the financial year 03/04 the City had **all** registered swimming pools/spas inspected by a consultant swimming pool inspector. This was the last time the City inspected all registered swimming pools and spas in a single year.

It was intended immediately after the completion of the inspection program in 2004 to employ an in-house swimming pool inspector, so as to commence an ongoing inspection program. An executive decision was made in 2004 not to commence the in house program. This decision delayed the commencement of the in-house ongoing inspection program by one year. The in-house program did not commence until August 2005, which meant a complete year passed with few inspections being carried out, this has resulted in about 950 registered pools requiring inspection by October/November 2008 to meet legislative inspection requirements.

Submission

It is intended to obtain the services of contract/casual staff for a short period to inspect the pools/spas that need to be inspected.

Report

It is intended to obtain the services of Nick, June and Matthew Nicholls on a contact basis to undertake inspection of pools/spas as required. Mr Nicholls has confirmed that they would be available to carry out these inspections. Mr Nick and Mrs June Nicholls carried out the swimming pool inspection program in 2004 and have the necessary skills and experience. Advice has been provided confirming Mr Matthew Nicholls has the necessary skills and experience to also carry out inspections.

A Building Surveyor (Mr Arron Selfe) is being employed on a casual basis from 15 September 2008 and it is intended to have him assist with inspections as required. Mr Selfe is aware of the legislative requirements and will be provided with further training to facilitate the inspection program.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To deliver our services and to manage resources in a way that is cost effective without compromising quality.

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.



Budget/Financial Implications

A sum of \$10,000 has been included in the 08/09 budget to facilitate the additional inspections.

Legal Implications

The City has an obligation under the Local Government (Miscellaneous Provisions) Act 1960 to ensure all known private swimming pools and spas are inspected at intervals not exceeding 4 years.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

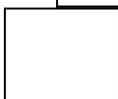
N/A

Implications of Section 3.18(3) Local Government Act, 1995

This proposal meets requirements.

- 14.2 **(MINUTE NO 3812) (OCM 9/10/2008) - INDUSTRY GENERAL AND WAREHOUSE (FACTORY BUILDING) - LOCATION: 31 (LOT 88) CUTLER ROAD JANDAKOT - OWNER: DALLA RIVA PTY LTD - APPLICANT: PETER DALLA RIVA (5514943) (A LEFORT) (ATTACH)**

<p>RECOMMENDATION</p> <p>That Council approve the application for Industry General and Warehouse (Factory Building) at 31 (Lot 88) Cutler Road Jandakot in accordance with the approved plans subject to the following conditions:</p> <ol style="list-style-type: none">1. Development may be carried out <u>only</u> in accordance with the details of the application as approved herein and any approved plan.2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.3. The submission of material, finish and colour details (including coloured elevations) for the development to the City's satisfaction prior to the issue of a building licence.
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4. A minimum of 5% of the total area of the lot is to be landscaped.
5. Landscaping is to be undertaken, reticulated/irrigated and maintained in accordance with a landscaping plan (approved by the City) prior to the occupation of the site.
6. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the City.
7. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
8. All rubbish storage bins and the like are to be stored internally within a respective unit/s. Alternatively, a designated bin storage area is to be provided on-site, the location and details in respect of which are to be provided to City's satisfaction prior to the issue of a Building licence.
9. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
10. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
11. All storm water being contained and disposed of on-site.
12. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
13. Provision and maintenance of a minimum total of 74 car parking bays in accordance with the City of Cockburn Town Planning Scheme No. 3.
14. A minimum of two (2) disabled car bays designed in accordance with Australian Standard 2890.1: 1993 are to be provided in a location convenient to, and connected to a continuous accessible path to the main entrance of the different units on-site. Design and signage of the bay(s) and path(s) are to be in accordance with Australian Standard 1428.1 – 1993.

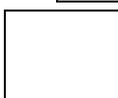
15. The parking bay/s, driveway/s and points of ingress and egress to the parking bays are to be designed in accordance with Australian Standard 2890.1: 1993 for off-street car parking unless otherwise specified by this approval, and are to be constructed, drained and marked in accordance with the design and specifications prior to the development being occupied and thereafter maintained to the satisfaction of the City.
16. Car bay grades are not to exceed 6% whilst disabled car bays are to have a maximum grade of 2.5%.
17. Vehicle crossovers being constructed in accordance with City specifications.
18. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. See City's specification, enclosed. This is to be provided at the time of applying for a building licence.
19. Industrial liquid wastes, including wash down wastes are **not permitted** to enter any stormwater system.

The disposal of industrial liquid waste is to comply with the City of Cockburn (Health) Local Laws 2000 and meet one of the following requirements:

- (a) discharge to sewer as approved by the Water Corporation;
- (b) discharge to on-site effluent disposal as approved by the Executive Direction, Public Health or the Manager, Environmental Health;
- (c) collection and disposal in an approved manner at an approved liquid waste disposal site.

Discharge of industrial liquid wastes directly to soak or ground is also **not permitted** and requires the approval of the Department of Environment and Conservation.

20. Where petrol, benzene or other inflammable or explosive substances or grease, oil or greasy/oily substances may be discharged, a sealed wash down area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment, Water and Catchment Protection.



21. Any wash down of plant, vehicles or equipment must be carried out over a wash down pad with waste water treated to remove solids and hydrocarbons prior to discharge to the environment. Please note that any petrol and oil arrestor such as a vertical gravity separator must be able to consistently produce a discharge having less than 15ppm hydrocarbons. A Health Act application including detailed plans and specifications of the facility and the appropriate fee must be submitted together with building plans prior to the issue of a building licence. The facility should include a bunded area, draining to a petrol and oil arrestor system, and is to be protected by a roof and a spray barrier.
22. The premises must clearly display the street number and where there is no street number allocated to the property, the lot number must be displayed instead.
23. The developer is to provide proportional contributions towards those items of development infrastructure defined in the City of Cockburn Town Planning Scheme No. 3 for the Solomon Road Industrial Area (DCA8). The contributions are to be paid or an arrangement to the satisfaction of the City of Cockburn to secure the contributions prior to the issue of a Building licence.
24. A landscape plan utilising local native species must be submitted to the City and approved, prior to applying for a building licence and shall include the following:-
 - (a) the location, number and type of existing and proposed trees and shrubs
 - (b) any lawns to be established
 - (c) any natural landscape areas to be retained
 - (d) those areas to be reticulated or irrigated
 - (e) verge treatments.

FOOTNOTES

1. With respect to condition 1, the approved use for the subject lot is Industry General; however, if this changes, an application for change of use must be submitted to the City for determination.
2. The development is to comply with the requirements of the Building Code of Australia.
3. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.



4. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the building licence application. Written approval from the City's Health Service for the installation of a air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
5. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed the prescribed by the *Environmental Protection (Noise) Regulations 1997*.
6. Bin storage facilities, if provided, are to be provided to the satisfaction of the City's Health Service. Such facilities are to be enclosed, graded to a central drain, connected to the sewer and provided with a hose cock.
7. Uncovered parking bays shall be a minimum of 5.4 x 2.4 metres clearly marked on the ground and served by a 6.2 metre wide paved access way in accordance with AS/NZS 2890.1: 2004.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

Background

Zoning:	MRS:	Industrial
	TPS 3	Industry
Land Use:	Industry General & Warehouse	
Lot Size:	3.4803ha	
Use Class:	"P"	

The subject site is located on Cutler Road Jandakot and contains an existing factory building. The building is currently being used by the applicant (Dalla Riva Pty Ltd) to manufacture tanks, cranes and storage of materials and also contains an office. The area around the existing building (including the site of the proposed building) is used for the storage of materials used for the business. The western portion of the site (approximately 6250 sqm) is leased to another business that uses the area for a rubbish recycling plant.



The site is located within Council's draft DCA 8 area which has been proposed to upgrade drainage in the area. Whilst the scheme amendment to facilitate DCA 8 has been advertised, it is yet to be finalised.

The site is located adjacent to a lot owned by the Western Australian Planning Commission (Lot 802 Princep Road) which has been recognised for its conservation value.

Submission

The proposed building consists of concrete tilt up panels facing Cutler Road and colourbond panels to the other facades. The applicant has advised that the new factory will be used for tank manufacturing and storage currently being undertaken in the existing building as it requires greater clearance under the overhead cranes. The vacated area in the existing building is proposed to be used for storage of crane components used by their engineering division. An amenities block is also proposed to be located within the new building which will contain a production office, training and lunch rooms, change rooms and toilets.

The proposal contains 34 additional car parking bays and 550 sqm of new landscaping.

Report

The purpose of this report is for Council to consider variations to the requirements of its Town Planning Scheme No. 3 (TPS 3) in relation to car parking and landscaping as the proposal does not comply.

Statutory Context

The proposal complies with all aspects of TPS 3 except for the parking and landscaping requirements as shown in the table below:

TPS Provision		Required	Provided
Car Parking			
Industry	1:50 sqm gla	110	74
Warehouse	1:100 sqm gla	35	
TOTAL BAYS		145 bays	74 bays
Landscaping	5% (plus verge)	1740 sqm	1389 sqm

Car Parking

Table 4 – Industrial Use Classes – Vehicle Parking of TPS 3 requires Industry general development uses to provide 1 parking bay for every



50 sqm gla (gross lettable area) and 1 parking bay for every 100 sqm of warehouse/storage area. The proposed new building is to be used 50% for industry and 50% for warehouse purposes whilst the existing building is to be used 70% for industry purposes and 30% for warehouse purposes. This equates to a requirement of 145 bays for the site which includes the existing and proposed development. The applicant proposes 74 bays which constitutes a variation greater than 20% and therefore requires Council's consideration.

The applicant has advised that the existing factory which was built in 1986 operates with 22 employees and the move to the newly constructed building will not lead to an increased number of employees on the site. Notwithstanding this, they have advised that there is ample space to the rear of the existing and proposed buildings to create more car parking should the need arise.

Given that there does not appear to be a parking problem on the site currently and that the proposed new factory is not proposed to increase employee numbers and there is sufficient area to the rear of the buildings for future additional parking (if required), it is considered that the provision of 74 parking bays is acceptable.

Landscaping

Clause 5.9.2 (b) allows Council to reduce the minimum on-site landscaping provision to not less than 5% of the total area of the lot where the applicant agrees in writing to install and maintain landscaping to the street verge. The applicant proposes 1389 sqm of on-site landscaping across the site which equates to approximately 4% of the entire site.

To support the reduction in landscaped area, the applicant has provided the following justification:

- The western most portion of the site (6250 sqm) is leased to a separate proprietor and is used as a rubbish recycling plant as shown on the site plan and therefore this area should be deducted from the site area.
- Should the lot be subdivided so that each factory is on a separate lot, then the lot size will be 9976 sqm and the proposed landscaping on this portion equates to 5% of the this area. The applicant has however advised that subdivision is unlikely at this stage.

Although the proposed amount of landscaping across the site does not comply with the scheme requirement, it is considered sufficient to provide a suitable level of amenity to the area. Furthermore, the landscaping is proposed at the front of the site between the building and the street where it will have a positive impact on the streetscape.



Should Council approve the proposal, it is recommended that a condition be imposed requiring the lodgement of a detailed landscape plan which includes local native low-water usage plants and also provides sufficient shade trees. The requirement to landscape around the new and existing factory buildings provides an opportunity for a major improvement to the existing streetscape where there currently little to no landscaping on site.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.
- To encourage development of educational institutions that provides a range of learning opportunities for the community.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The Industry General use within the industry zone is a “P” use, which means that the use is permitted and advertising is not required. The proposal has therefore not been advertised.

Attachment(s)

1. Location plan
2. Site Plan, Floor Plan and Elevations



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 October 2008 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

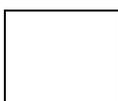
Nil.

- 14.3 **(MINUTE NO 3813) (OCM 9/10/2008) - DEVELOPMENT APPLICATION - SUPERMARKET, SHOPS TAVERN AND DRIVE THROUGH BOTTLE-SHOP - LOCATION: LOTS 453 AND 454 (NOS 1 AND 2) MACQUARIE BOULEVARD, HAMMOND PARK - OWNER: MADEIRA NOMINEES PTY LTD, FUNCHAL NOMINEES PTY LTD, MARIO CORRIEA NOMINEES PTY LTD, JOSE NOMINEES PTY LTD AND BUCKOS WA PTY LTD - APPLICANT: CCI GROUP (6006998, 6006999) (T WATSON) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval to the development of a supermarket, shops, a tavern and drive through bottle shop on Lots 453 and 454 (Nos 1 and 2) Macquarie Boulevard, Hammond Park, in accordance with the approved plan and related details subject to the following conditions:
 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
 2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
 3. The tavern Management Plan being reviewed in detail to ensure the content of the document is comprehensive and complete for the purpose of addressing all aspects of the tavern use capable of being managed. This includes noise management, on-site patron behaviour and parking use. The Plan is to be reviewed to the City's satisfaction prior to the release of a building licence for the development.
 4. The tavern being designed in consultation with a qualified acoustic consultant and/or engineer who must certify in an accompanying report that the building proposed will



be suitably attenuated to ensure noise generated by amplified music and the like complies with the requirements of the Environmental Protection (Noise) Regulations 1997 (taking into account the use and proximity of surrounding properties). The certification must be provided to the City's satisfaction prior to the release of a building licence for the development.

5. The preparation and submission of a comprehensive signage package that deals with (but is not limited to) the availability of, and use by patrons of parking across Lots 453 and 454; and crowd behaviour on the site and in the vicinity of surrounding residential development. The details of the signage package are to be provided to the City's satisfaction prior to the release of a building licence for the development.
6. The Yarra Promenade egress point being redesigned to minimise the extent to which car headlight(s) spill impacts on adjacent residential properties. The details of the redesigned egress point are to be provided to the City's satisfaction prior to the release of a building licence for the development.
7. The preparation and submission of a detailed landscaping plan, dealing with (but is not limited to), landscaping (both soft and hard elements) intended for the perimeter of the tavern site. In this regard, the height of the boundary wall around the tavern site is to be determined having regard for the protection of privacy and amenity of adjacent residential properties. The landscaping plan is to be provided to the City's satisfaction prior to the release of a building licence for the development.
8. All landscaping is to be undertaken and completed in accordance with the approved landscape plan prior to the occupation any buildings the subject of the application.
9. The landscaping installed in accordance with the approved landscape plan is to be reticulated/irrigated and maintained to the City's satisfaction.
10. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
11. The submission of materials, finish and colour details for the development to the City's satisfaction prior to the

releases of a building licence for the development.

12. All car parking and access complying with the minimum requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking), the details of which are to be provided to the City's satisfaction prior to the release of a building licence for the development.
13. Prior to the release of a building licence for the proposed development the owner shall effect easements for car parking purposes over both Lots 453 and 454 for the purpose of protecting the reciprocal use of parking for the different uses proposed across the two lots to the satisfaction of the City. The City is to be a party to the easements, whilst the owner shall be responsible for all costs of and incidental to the preparation of the easement, including all stamping and registration fees.
14. The provision of bicycle parking for visitors to the development. The bicycle parking details are to be provided to the City's satisfaction prior to the release of the building licence for the development.
15. All service areas and related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the release of a building licence for the development.
16. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
17. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.
18. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
19. The development must not cause a sand drift or airborne dust nuisance to neighbours. The developer must prepare and implement a Dust Management Plan in accordance with the City's Policy of the Preparation on Dust Management Plans for development sites within the City of Cockburn. The plan is to be submitted and approved by



the City's Health Services prior to the release of the building licence for the development and is to be complied with during construction.

20. The installation of outdoor lighting (if proposed) is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
21. All stormwater being contained and disposed of on-site to the satisfaction of the City.
22. All stormwater drainage shall be designed in accordance with the latest release of the document entitled "Australian Rainfall and Runoff" produced by the Institution of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. See City's specification, enclosed. This is to be provided at the time of applying for a building licence.
23. No building (or related) activities associated with this approval causing noise and/or inconvenience to neighbours being carried out after 7.00 pm or before 7.00am, Monday to Saturday, and not at all on Sunday or public holidays.
24. Application being made for any signage that is not exempt by the requirements of Town Planning Scheme No. 3.
25. The submission of a construction management plan to the City's satisfaction prior to the release of a building licence for the development, detailing how it is proposed to manage:
 - a) access to and from the site
 - b) the delivery of materials and equipment to the site
 - c) the storage of materials and equipment on the site
 - d) the parking arrangements for contractors and subcontractors
 - e) other matters likely to impact on the surrounding properties.

FOOTNOTES

1. The application has been determined on the basis of the plans and information provided to the City for assessment. In this regard, and with respect to conditions 1 and 2, the

- City is highly unlikely to support any increase in the size of floor areas shown on the development application plans.
2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Planning Services should be consulted.
 3. Conditions 3 – 7 are specifically concerned with protecting the amenity of property owners in the vicinity and the locality generally.
 4. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.
- (2) issue a Notice of Determination of Application for Planning Approval under the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

MOVED C/r H Attrill SECONDED C/r I Whitfield that the Council:

- (1) refuse to grant its approval for the development of a supermarket, shops, tavern and drive-through bottle shop on Lots 453 and 454 (No's 1 and 2) Macquarie Boulevard, Hammond Park due to insufficient car parking for the proposed development provided on-site, in accordance with Council's Town Planning Scheme requirements;
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval / Refusal and an MRS Form 2 Notice of Refusal; and
- (3) advise the applicant and submissioners of Council's decision accordingly.

CARRIED 5/2

Reason for Decision

Council does not agree with the reciprocal sharing of car parking between the supermarket/shops and the tavern as it considers that there would be substantial conflict in the peak hours of the operation of these respective businesses and therefore each use should provide



sufficient on-site car parking for that use, in accordance with the prevailing scheme provisions.

Council does not support the conclusions provided by the proponent's consultants and does not believe that the recommended parking management initiatives would ensure that there would not be a conflict between the patrons of the respective land uses (i.e. supermarket/shops and tavern) utilising the respective car parking areas.

Background

The lots subject of this item are located either side of Macquarie Boulevard, on the south side of Russell Road where it is being realigned in Hammond Park. The lots are zoned Local Centre under the City's Town Planning Scheme No. 3 and sit adjacent to land zoned Residential R25 and R40 (occupied by single residential dwellings).

In addition to the Local Centre zoning, the land is subject to the Development Area provisions contained in Schedule 11 of the Scheme. Within Development Area 9 (DA 9), specific design requirements provide for an envisaged 'Mainstreet' builtform. Without diminishing the potential of desired outcomes, the Council at its 11 September 2008 adopted Scheme Amendment No. 65 for final approval.

Scheme Amendment No. 65 incorporates several changes to the design requirements for DA 9. The changes provide a higher degree of flexibility taking into account site specific considerations including: the location of the two lots at a significant intersection, vehicular access and parking provision.

Submission

Application has been made for the development of a supermarket and five (5) shops on Lot 453 Macquarie Boulevard (east side of the road), and a tavern, including a bottle shop, on Lot 454 Macquarie Boulevard (west side of the road). In detail, the plans show the following.

Lot 453

- A centrally located supermarket (800m²);
- Five shops (totalling 407m²); and
- 69 on-site parking bays.

Access/egress points to the parking are proposed to/from Russell Road, Macquarie Boulevard and Deanmore Bend. The architectural style of the building is contemporary in appearance.



Lot 454

- A tavern including: a lounge area (64 m²), cocktail area (86 m²), bistro (58 m²) and bistro/function area (63 m²), bottle shop (176 m²) and an alfresco dining area (157 m²); and
- 101 on-site parking bays.

Access / egress points to the parking are proposed to / from Russell Road, Macquarie Boulevard and Yarra Promenade. Similar to the supermarket and shops, the style of the tavern building is contemporary.

In support of the proposal, the project architect states the following:

“The tavern model proposed is a small but typical neighbourhood tavern, with a focus on food as the primary generator of trade. The arrangement, size and furnishing style of the spaces limits the possibility of large groups, and precludes the ‘sports bar environment’ or ‘drinking barn’.

The rooms are designed to be separable to allow a suitable ambience to be maintained even with smaller groups.

The external areas have been located to have access to northern and western (afternoon) sun and splay the building away from the residential, but to the ‘benefit’ of the intersection.

It should be noted that the previously submitted management plan goes to great lengths to minimise any potential disturbances to neighbours, including limiting deliveries between the hours of 7.00 am and 7.00 pm, restricting keg movement and rubbish clearing between 10.00 am and 7.00 pm and maintenance of a logbook for any complaints regarding noise or any disturbance in the area.”

“The Neighbourhood Retail Centre (“The Centre”) will comprise a total retail net area of 1,207 m², which will comprise of a supermarket of 800 m² and a mix of speciality retailers comprising a total of 407 m².

The centre like many neighbourhood centres of this type are designed to be a convenience based offering which sees the typical customer spend and buy less during a greater number of shorter visits. The centre will draw its patronage from the immediate surrounds as is the case with other centres of this nature with a large number of its customer base not arriving by car.”

The proposed hours of trade of the tavern are:

- Monday to Saturday: 10.00 am – 12 00 midnight; and
- Sunday: 10 00 am – 10.00 pm.



Report

The following report deals with the use of land and development of the lots in question, including issues and/or concerns associated with such. It also deals with the public consultation undertaken in respect of the proposed tavern.

Uses

The proposed supermarket and shops are 'P' (permitted) uses under the scheme. The tavern, however, is an 'A' use which means that it is not permitted unless the Council has exercised its discretion and granted approval following consultation. The matter of consultation is dealt with in a following section. From a planning perspective, the proposed tavern use is supported.

The Structure Plan report for the area, which addresses the neighbourhood centre, refers to the establishment of a range of uses including: a fast food outlet, service station and medical centre. The report also refers to cafes and restaurants. The proposed tavern is a similar use in many respects, and will incorporate some of the uses (food and beverage) identified for the locality.

If approved, the tavern will contribute to the level of service and lifestyle of the area.

Whilst, therefore, concerns have been raised by the local community, on balance and subject to a range of management measures, the tavern is considered suitable as a use that can successfully co-exist with residential development in the vicinity. Typical management measures applied to a use of the type proposed include:

- The attenuation of the establishment for the purposes of noise management.
- Limitations on the hours of operation.
- The application of a Management Plan (dealing with amongst matters, patron behaviour and servicing).
- Traffic and parking management.

It is noted that an Acoustic Report and a Management Plan has been lodged with the application by the proponent.

Development

The buildings proposed for both lots are considered to be of an appropriate scale and design, representative of their local centre function.

Whereas the shopping centre and shops are centrally located amongst on-site parking, the tavern is positioned to address the intersection of



Russell Road and Macquarie Boulevard. The location of shops amongst parking provides for a functional arrangement consistent with the shop/retail use proposed. The tavern, however, will mark the entry to the neighbourhood centre with activity while providing a separation to residential uses to the south.

The main concern with respect to the assessment of the development relates to the provision of parking. As proposed, the tavern in isolation i.e. on Lot 454, is deficient 51 bays. Under the scheme, the tavern including the bottle shop requires 152 bays. In total, 101 bays are proposed on-site. This includes 4 bays in the bottle shop drive through.

Although the disparity in parking is quite significant, the calculation reflects the specific (and maximum) requirements of the scheme for the type of establishment. As advised by the project architect though, the need for maximum parking provision is anticipated to be necessary on Friday and Saturday nights only (at peak times). That is, for the majority of the time the establishment will have sufficient on-site parking.

Nonetheless, and recognising the need to ensure sufficient parking for the use is available at all times i.e. peak times and at the time of special events (Melbourne Cup day for e.g.), the applicant also proposes the reciprocal sharing of parking with the supermarket and shops. Conversely, given demand for parking at alternate times by tavern patrons, shoppers will be able to use tavern parking during the day.

The use of tavern parking by shoppers is made available in the knowledge that the supermarket (like the tavern) is also short in on-site parking. Under the scheme, the supermarket and shops require 101 bays (69 proposed). In essence, the sharing of parking between the two uses is proposed on the basis of their complementary operating characteristics.

In support of the proposed reciprocal use of parking, the proponents have engaged Uloth and Associates (traffic consultants). Uloth's question the appropriateness of the scheme in requiring all parking for the tavern to be calculated at 1 bay for every 2 m² of drinking area. Their position in this regard is considered reasonable and 1 car bay for every 4 seats has been applied in the City's assessment of seating areas within the tavern (as it typically would for a restaurant).

The view though, that the retail parking provision in the Scheme is too onerous has not been applied. Uloth's believe that a lesser parking rate should be applied to smaller supermarkets similar to that proposed. Bearing this in mind, there are some discrepancies between bay numbers determined by the City and the consultant. When all is



considered, however, the reciprocal use of parking provided is fundamental to the combined development.

In support of the proposed arrangements, Uloth states the following:

“... that although the Tavern will generate a peak demand for 133 spaces on a Saturday evening, it is estimated that the retail parking demand at the same time will be 30 percent for the supermarket and just 10 percent for the shops, resulting in an overall shared parking demand for 149 spaces. It can also be seen that when the Retail Developments require their peak parking demand of 72 spaces, the Tavern will only require 53 spaces (40 percent), resulting in an overall parking demand for 125 spaces.”

It should be noted that the numbers mentioned above are based on Uloth's rates and are different to the Scheme (notably 1 bay / 5 m² for seating areas in the tavern – as against 1/4 m², and 1/16.67 m² for shops as against 1/12 m²). Based on the Scheme requirements and using the 'demand' percentages detailed in the Uloth report, the total number of bays required across the two sites is calculated at 176 (170 proposed). Combined with the use of 14 kerbside bays in the road reserves adjoining the lots, the total number of bays across the two lots is considered sufficient.

To facilitate the orderly and successful sharing of the reciprocal car parking bays, the project architects recommend the following parking management initiatives:

- timed shopper parking to ensure tavern parking does not obstruct shopper parking
- signage clearly informing tavern patrons of the availability of shopper parking
- street parking management.

The initiatives listed are all supported subject to the detail of each being further resolved. The design of the egress from the tavern site to Yarra Boulevard also requires further resolution to ensure the extent to which light spill occurs is minimised.

Consultation

In accordance with the use classification of the tavern, the proposal has been advertised as per the requirements of Section 9.4 of the Scheme. In total, 22 adjacent property owners were advised in writing of the proposal. Signs displaying notice of the proposal were also erected on-site.

In response to the consultation, 14 individual submissions objecting to the proposal were received by the City. It is noted one (1) of these submissions was received after the closing date. A petition objecting to



the proposal and signed by 102 persons living in the vicinity of the site has also been received by the City.

In support of the proposal, the City has received 5 individual submissions. Similarly, one (1) of these was received after the closing date.

Objections

The concerns raised in respect of the proposal relate to the tavern only. Many submissions made specific reference to support for the supermarket and shops. The main concerns raised are as follows:

- incompatibility of the use with the residential/family nature of the locality
- noise generated by the use and traffic movements
- anti-social behaviour
- the car park egress to Yarra Promenade
- the lack of a demand/need for the use given proximity to “*The Gate*”
- depreciation in property values.

With respect to anti-social behaviour, reference was made in a number of submissions to ‘The Gate’ tavern in Success, whilst points 5 and 6 above aren’t strictly planning considerations.

Support

In support of the proposal, those that made submissions offered the following:

- community to benefit from “*walkable*” shopping and social facilities
- the creation of a positive and vibrant village atmosphere (lifestyle)
- the establishment of a facility (tavern) that provides a social/meeting place for the community and sporting clubs
- proximity to the bistro, providing a dining outlet.

A number of submissions also made reference to the delay in the development of the neighbourhood centre as promoted by the developers (including shopping and social outlets).

Comment

The concerns raised in opposition to the proposal, specifically the tavern component, are typical of concerns raised in respect of this type of use. Whilst they are acknowledged, they are not necessarily considered valid as they relate more to the management of the use, not the use itself. Ensuring the design and development of the building responds to the use also assists preventing problems.



Bearing the above in mind, and noting that the parking arrangements and building designs are considered acceptable, it is recommended the application be approved subject to a set of rigorous conditions that deal with the management of the use and detailed building design. The following specific conditions are proposed:

- The Management Plan being reviewed in detail to ensure the content of the document is comprehensive and complete for the purpose of addressing all aspects of the tavern use capable of being managed. This includes noise management, patron behaviour and parking use.
- The development (tavern) being designed in consultation with a qualified acoustic consultant and/or engineer who must certify in an accompanying report that the building proposed will be suitably attenuated to ensure noise generated by amplified music and the like complies with the requirements of the Environmental Protection (Noise) Regulations 1997 (taking into account the use and proximity of surrounding properties).
- The preparation and submission of a comprehensive signage package that deals with/addresses amongst matters: the availability of, and use by patrons of parking across the two sites; and crowd behaviour on the site and in the vicinity of surrounding residential development.
- The preparation and submission of a detailed landscaping plan, dealing with amongst matters, landscaping (both soft and hard elements) intended for the perimeter of the tavern site. In this regard, the height of the boundary wall is to be determined having regard for the protection of privacy and amenity of adjacent residential properties.
- The Yarra Promenade egress point being redesigned to minimise the extent to which car light spill impacts on adjacent residential properties.

Point 2 above takes into account the Acoustic Report already lodged, but more specifically applies to the design and construction of the tavern building. Other typical conditions are also recommended.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.



Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To facilitate and provide an optimum range of community services and events.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by the City.

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

Adjacent property owners were consulted on the proposal. Signs advising of the proposal were also erected on-site.

Attachment(s)

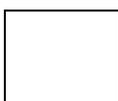
1. Site plan, floor plans and elevations;
2. Submissions received - support and objections.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 October 2008 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

NIL



14.4 (MINUTE NO 3814) (OCM 9/10/2008) - LEASE OF LOT 100 RIVERS STREET, BIBRA LAKE - LOCATION: RIVERS STREET, BIBRA LAKE - OWNER: CITY OF COCKBURN - APPLICANT: ARCH ENGINEERING PTY LTD (4412345) (K SIM) (ATTACH)

RECOMMENDATION

That Council:-

- (1) lease Lot 100 Rivers Street, Bibra Lake to Arch Engineering Pty Ltd subject to the proposal being advertised in accordance with Section 3.58 of the Local Government Act 1995;
- (2) subject to Council receiving no submissions on the advertised proposal, enter into formal lease arrangement for a period of two (2) years at an annual rental of \$85,000 plus GST;
- (3) advise Arch Engineering Pty Ltd that at their cost all necessary statutory approvals must be obtained prior to undertaking any works including a requirement for development approval pursuant to the to the City of Cockburn Town Planning Scheme No. 3 and full compliance with any approval granted will be expected; and
- (4) the provisions of the lease include a requirement for the lessee to remove all improvements at the end of the lease period, if required.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

Background

Lot 100 is owned in freehold by the City of Cockburn and has an area of 3636 m². Council at its meeting held on 11 August 2005 resolved to:

- (1) *lease Lot 100 Rivers Street, Bibra Lake to PIV Engineering Pty Ltd subject to the proposal being advertised in accordance with Section 3.58 of the Local Government Act 1995;*
- (2) *advise PIV Engineering Pty Ltd that all necessary statutory approvals must be obtained prior to undertaking any works which include a requirement for development approval pursuant to the City of Cockburn Town Planning Scheme No. 3 and full compliance with any approval granted will be expected;*



- (3) *subject to Council receiving no submissions on the advertised proposal, enter into a formal lease arrangement for a period of five (5) years at a rental to be based on the Licensed Valuer's report; and*
- (4) *the provisions of the lease include a requirement of the lessee to remove all improvements at the end of the lease period, if required.*

Submission

Arch Engineering Pty Ltd has written to the City requesting the lease of the property for 2 years at an annual rent of \$80,000.

Report

Lot 100 is a vacant land parcel zoned industry with an area of 3636 m². Rivers Street comprises of 9 developed industry lots with the subject lot and one other as yet undeveloped.

The proposed lease offered by the City of Cockburn in August 2005 was not acceptable to PIV Engineering and the land has continued to be unused.

The City's provisional land strategy identifies Lot 100 as being land possibly available for sale. The land could be sold as is, although consideration may be given to developing the site into individual factory units in a joint venture arrangement.

The City of Cockburn Operations Centre adjoins the southern boundary of Lot 100. A recent concept plan developed for the Operations Centre shows a possible alternative access point utilizing Lot 100. It will take at least two years to determine whether this alternative access point is required for the optimum utilization of the Operation Centre

The term of the proposed lease allows the City to derive an income stream while the ultimate use for Lot 100 is being considered

At the conclusion of the 2 year lease a further report will be prepared for Councils consideration.

Arch Engineering is located at 9 Rivers Street adjoining Lot 100 and proposes to use the site for storage of raw material. Arch Engineering will fence and place hard stand material on site. They are aware that they will require development approval. Section 3.58 of the Local Government Act 1995 requires that details of the proposed rent, the market rent as determined by a licensed valuer and the name of the lessee be given state wide notice. Given the relative short term of the proposed lease it is not considered advantageous to engage a real estate company to market the proposed lease.



Arch Engineering is aware that the market rent as determined by our Licensed Valuer is \$91,000 per annum. They have qualified their offer of \$80,000 per annum by noting that the improvements that they will be making to the site will remain on the site at the conclusion of the lease period. These improvements in the form of a leveled hardstand will cost Arch in the vicinity of \$30,000 to \$35,000. The proposed lease being a standard commercial lease means that outgoings including Council rates will be paid by the lessee. The recommended \$85,000 per annum lease achieves a balance between the Licensed Valuer's report and the long term improvement that will accrue to the site.

Licensed Valuer Wayne Shroy from McGees has prepared a Valuation Report which determines the market rent at \$91,000 plus GST per annum.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.

Budget/Financial Implications

N/A

Legal Implications

Section 3.58 of the Local Government Act 1995 refers.

Community Consultation

Advertising in the West Australian will be undertaken as a requirement of Section 3.58 of the Local Government Act 1995.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 October 2008 Council Meeting.



Implications of Section 3.18(3) Local Government Act, 1995

Nil

14.5 (MINUTE NO 3815) (OCM 9/10/2008) - PROPOSED STRUCTURE PLAN - LOCATION: LOT 7000 HAMMOND ROAD, SUCCESS - OWNER: IAN KEITH DAVIE - APPLICANT: MASTERPLAN TOWN PLANNING CONSULTANTS (9656C) (R DONG) (ATTACH)

RECOMMENDATION

That Council:-

- (1) adopt the Structure Plan for Lot 7000 Hammond Road, Success subject to the following:
 1. The proponent prepares and submits a Local Water Management Strategy to the Department of Water.
 2. The Local Water Management Strategy is approved by the Department of Water.
- (2) adopt the Schedule of Submissions contained in the Agenda attachment;
- (3) forward the Structure Plan documents and Schedule of Submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3; and
- (4) advise the proponent and these persons who made a submission of Council's decision, and request the Department of Water to provide written advice to the City when it has approved the Local Water Management Strategy.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

Background

The proposed structure plan site (Lot 7000) is located north of Russell Road, between Hammond Road and the Thomsons Lake Regional Reserve (Attachment 1: Location Plan refers). The lot has an area of 5.0989 ha. Almost of 1.0 ha of the northern portion of the lot is covered



by the Water Corp drainage (known as Copulup Lake). The subject site is predominately semi-rural in character and has an existing single dwelling near the lake, which is retained as a green title lot (1339 m²) in the structure plan (Attachment 2 refers).

The subject land is currently zoned "Development" – Development Area No. 8 (DA8) under the Council's Town Planning Scheme No. 3 (TPS3), which requires a structure plan to be prepared to guide future subdivision and development. The subject land also falls within Development Contribution Area No. 2 (DCA2), which requires the landowner to make a proportional contribution to the widening and upgrading of Hammond Road and Russell Road at the subdivision stage.

Submission

Masterplan Town Planning Consultants (the applicant) at request of the landowner has submitted a structure plan for the subject land.

Report

Proposed Structure Plan

The proposed structure plan intends to subdivide the site into approximately 56 lots containing up to 66 dwellings, including the retention of the existing dwelling. The structure plan proposes to maintain an appropriate buffer (approximately 50 m wide) between the lake boundary and the proposed residential lots. The buffer area will be revegetated by the developer to provide an interface of natural vegetation, any drainage requirements and passive recreation areas.

The proposed structure plan includes a range of lot sizes, from approximately 250 m² (R40 lots) to 500 m² (R20 lots), and a grouped housing site at the southern end of the lot. Roads are designed to provide access to all lots, and allow an appropriate interface with areas of open space and the Beeliar Regional Park. (Attachment 2 refers)

Environmental Considerations

The structure plan area is subject to a number of environmental considerations which mainly relate to Copulup Lake and the Beeliar Regional Park.

Copulup Lake is an EPP Lake and Resource Enhancement Wetland (REW). A portion of the lake covers the northern portion of structure plan area. The lake/wetland has been subject to a rehabilitation and modification program prepared by the Water Corp. This program includes the redevelopment of the wetland boundary to improve urban water management, provides an appropriate interface between the lake and nearby urban development, and assists in wetland rehabilitation.



The works include the construction of a bund around the lake with appropriate water management facilities and wetland buffer revegetation behind the bund. The northern portion of the Water Corp's plan has already been implemented as part of the subdivision of that area.

The reconstruction of the lake boundary has been completed for the majority of boundary, apart from the lake's southern edge facing the subject structure plan area. The works within Lot 7000 including a fence on the top of the bund will be undertaken by the developer as part of the subdivisional works.

Whilst the Geomorphic Wetland Database is sufficient to identify the subject lake as a Resource Enhancement Wetland (REW), the Department of Environment and Conservation (DEC) has acknowledged that the database does not accurately reflect the original, current or proposed extent of the wetland. The proposed structure plan (Attachment 2 refers) shows the final wetland configuration with the edge of the wetland identified as the top of the bund required as part of the rehabilitation works.

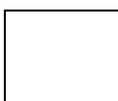
The structure plan proposes a buffer of 50m from the wetland edge on the southern side of the lake to the nearest proposed residential lots. The applicant has sought advice from the DEC's Wetland Branch in terms of the appropriateness of this buffer. The DEC has confirmed that the proposed buffer is acceptable (Attachment 3 refers).

Apart from the REW, the adjacent Beeliar Regional Park (Thomsons Lake) is also an important environmental consideration given it is a Conservation Category Wetland. The interface between the Regional Park and the western boundary of the structure plan is subject to detailed design at the subdivision stage to the satisfaction of the City. The interface treatment of a road and appropriate fencing of the reserve is consistent with that applied to the north of the subject land.

Public Open Space

The structure plan provides for 6522 m² of Public Open Space (POS) on the northern portion of the subject land abutting Copulup Lake within the 50 m buffer area. According to Element 4 of the *Liveable Neighbourhood 2007*, a POS within the buffer of a Resource Enhancement Wetland should be given 100% credit. Hence the 6,522 m² POS represents 15.5 % of the total gross subdivisible area (i.e. 42,012 m²), which satisfies the Western Australian Planning Commission's POS requirement.

The structure plan shows a possible drainage swale in the proposed POS. The size and location of the swale will be determined by the developer's engineer at the subdivision stage. This water sensitive design approach will enable better management of stormwater quality



and quantity, reduce the impact of stormwater flows to wetlands, and control pollutant and nutrient run off. Further, a detailed urban water management plan will be prepared in accordance with relevant policy requirements at the subdivision stage and will be assessed by the City.

According to the *Liveable Neighbourhoods 2007*, the swale can have 100% POS credit depending upon the design of the swale whether it is usable for recreation purposes. The detailed design of the swale will be assessed by the City's Parks services at the subdivision stage. Should this swale considered unsuitable for recreation purposes, the POS calculation will be readjusted to the satisfaction of the City.

Consultation and Formal Advertising

The structure plan was considered at an internal Development Control Unit (DCU) meeting to discuss and assess the proposal soon after receiving the first version of the structure plan for Lot 7000 Hammond Road in late 2007. A number of issues were raised from the DCU with the structure plan mainly relating to the confusion of the ultimate boundary of the REW and hence the extent of the buffer, the layout of the street network, and the urban water management. As a result, the City requested the structure plan be modified to address the issues raised from the DCU.

The City received the final versions of the structure plan in August 2008 and subsequently started its formal advertising from 19 August to 16 September 2008, which included an advertisement in Cockburn Gazette for public comment, letters to adjacent landowners for comment, letters to the government agencies for comment, and information made available at Council's Administration Office and on Council's website.

At the close of the advertising, 13 submissions were received including one submission of objection and twelve of no objections. All submission comments and officer's recommendations are included in the Schedule of Submissions (Attachment 4 refers).

Of a particular note, the Department of Water (DoW) requests that a Local Water Management Strategy be prepared by the proponent and approved by the DoW prior to the final adoption of the proposed structure plan. The City supports the DoW's initiative, and accordingly, recommendation is made in section (1) of this report to ensure this issue is addressed prior to final adoption of the Structure Plan.

Conclusion

The proposed structure plan is generally in line with *Liveable Neighbourhoods* principles. The final version of the structure plan has addressed the issues raised from the City's DCU. It is therefore recommended that Council adopt the structured plan as the basis for



future subdivision and development subject to the approval of a Local Water Management Strategy for the structure plan.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Infrastructure Development

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

N/A

Legal Implications

N/A

The structure plan was advertised in accordance with the requirements of Town Planning Scheme No. 3. There were 13 submissions received including one submission of objection and twelve of no objection.

Attachment(s)

1. Location Plan
2. Proposed Structure Plan Report – Lot 7000 Hammond Road, Success
3. DEC's Correspondences
4. Schedule of Submissions
5. Ministerial Statement No. 000467

Advice to Proponent(s)/Submissioners

The Proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the October 2008 Council Meeting.



Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.6 (MINUTE NO 3816) (OCM 9/10/2008) - HOME BUSINESS - MEDITATION TRAINING & COUNSELLING - LOCATION: 16 GRANT PLACE BANJUP - OWNER: LIFE QUALITY SANCTUARIES PTY LTD - APPLICANT: ALISON STOKER & PATRICK JONES (5513604) (C SCHOOLING) (ATTACH)

RECOMMENDATION

That Council:-

- (1) Grant its approval for the proposed Home business at Lot 42 (No. 16) Grant Place, Banjup, in accordance with the approved plans subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval of these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The development complying with the Home business provisions and definition set out in the Western Australian Planning Commission's Statement of Planning Policy 2.3 – Jandakot Groundwater Protection Policy and the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.
4. All materials and/or equipment used in relation to the Home business shall be stored within the subject building, the main residence or an approved outbuilding.
5. The home business can only be undertaken by the owner of the land and is not transferable pursuant to clause 5.8.5 (a) (ii) of Town Planning Scheme No. 3.
6. On the sale of the property or change in ownership of the land the home business entitlement ceases pursuant to clause 5.8.5 (a) (iii) of Town Planning Scheme No. 3.
7. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00 pm or before 7.00 am Monday to Saturday, and not at all on Sunday and Public Holidays.

8. No retail or wholesale sales are to be carried out from the premises unless the sales are incidental and ancillary to the proposed home business.
9. Vehicle parking for the proposed home business is to be contained to the area indicated in red on the approved development plans to the satisfaction of the City.
10. Client activity associated with the proposed home business is restricted to a maximum of 7 persons per day between the two practitioners to the satisfaction of the City.
11. The hours of operation of the Home business are limited to 9.00 am to 6.00 pm Monday to Friday.
12. The Home business shall not result in increases in noise and traffic movements significant enough to affect the amenity of the locality.

FOOTNOTE

A home business is defined in Statement of Planning Policy 2.3 – Jandakot Groundwater Protection Policy and the City of Cockburn Town Planning Scheme No. 3 as:

“A business, service, trade or similar activity carried out in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, not more than two persons but which-

- a. does not entail the retail sale, display or hire of goods of any nature*
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood*
- c. does not detract from the residential appearance of the dwelling house or domestic outbuilding*
- d. does not entail employment of any person not a member of the occupier’s household*
- e. does not occupy an area greater than 50m²*
- f. will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking*
- g. will not result in a substantial increase in the amount of vehicular traffic in the vicinity*
- h. does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight”.*

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

Background

Zoning:	MRS:	Rural – Water Protection
	TPS3	Resource
Land Use:	Single House with Ancillary Accommodation	
Lot Size:	2.2247ha	
Use Class:	In accordance with Statement of Planning Policy 2.1 and 2.3	

The abovementioned lot comprises a single house and associated outbuildings and ancillary accommodation which was approved retrospectively by Council at its Ordinary Meeting held on 14 February 2008. The lot is situated in a rural / water protection zone identified in the Metropolitan Region Scheme, which is subject to the Western Australian Planning Commission's Statement of Planning Policy 2.3 - Jandakot Groundwater Protection Policy (SPP 2.3). The current owners of the property are a psychologist and psychotherapist who operate a counselling service from their place of residence. The intention of locating in Banjup was to provide the same services in a peaceful environment.

Submission

The City received an application for a home business undertaking Meditation Training and Counselling on 28 July 2008. This development is proposed to take place from the existing ancillary accommodation structure which has separate access from Bartram Road.

The business is largely conducted one-on-one and that no group sessions occurred. Their business offers counselling and meditation training with no noise or amenity impacts to neighbours. The applicants have specified operating times of 9.00 am to 6.00 pm, Monday to Friday and propose that the home business is to be accessed from Bartram Road by the existing gate. Client activity has been identified as 1 to 8 persons per day between the two practitioners. Vehicles are to be contained within the property.

The applicants have provided the following justification in support of their development:

- Their current business is associated with helping people to achieve inner calm and positive feelings in life, as well as an



opportunity for increased well-being through talking and self-reflection and meditation.

- They wish to conduct their business from an area of peace and tranquillity which would enhance these objectives, rather than a suburban environment.
- Their business has operated for a number of years from a suburban location without disruption or impacts to local amenity.
- Few houses would see any increase in traffic associated with the home business.

Report

As the proposed home business is to occur from a structure greater than 50 square metres and entirely separate from the main dwelling it does not comply entirely with the definition of Home business as listed in SPP 2.3. Under SPP 2.3 a home business is an 'AA' use, which the local government may support subject to referral of the application to the Department of Water, and having obtained their support. SPP 2.3 defines a home business as:

“A business, service, trade or similar activity carried out in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, not more than two persons but which:-

- a. does not entail the retail sale, display or hire of goods of any nature*
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood*
- c. does not detract from the residential appearance of the dwelling house or domestic outbuilding*
- d. does not entail employment of any person not a member of the occupier's household*
- e. does not occupy an area greater than 50m²*
- f. will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking*
- g. will not result in a substantial increase in the amount of vehicular traffic in the vicinity*
- h. does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight”.*

Therefore, the proposed development has to be assessed under another definition. SPP 2.3 states:

“All other uses (which are not listed in the Land Use Table of SPP 2.3) should generally not be permitted in particular agriculture, turf farms and golf courses, except where a use is not mentioned, but which is similar to a use that is listed in (the Land Use Table), then applications must be submitted to the (Western Australian Planning Commission) and the (Department of Water) for their advice.”



Consequently it is deemed the development could be assessed under the definition of 'Consulting Rooms' as listed in Town Planning Scheme No. 3 as development is considered to be similar to a Home business Town Planning Scheme No. 3 defines Consulting Rooms as:

"Premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care."

The proposed development was referred to the Western Australian Planning Commission and the Department of Water in accordance with the provisions of SPP 2.3. No comment was received from the Western Australian Planning Commission during the 30 day referral period.

The Department of Water advised that the proposed development was supported subject to it being carried out as interpreted by SPP 2.3 and the Department of Water's Water Quality Protection Note (WQPN): Land Use Compatibility in Public Drinking Water Source Areas. Additionally, upon receipt of the Department of Water's comments the proposed development was advertised to four surrounding affected landowners for a period of 14 days in accordance with the requirement to advertise home businesses in other zones of Town Planning Scheme No. 3.

At the completion of the advertising period two letters of objection were received and one letter of no objection was received, these are explained in the Community Consultation section below.

From a planning perspective it is considered the proposed development will not result in any adverse impacts to the existing amenity and environment of the resource zone. The home business is proposed to occur from a structure which, albeit oversized in terms of its current approved use, is separated from surrounding dwellings and screened with vegetation, and therefore not likely to be perceived as a separate structure from which a business is conducted from the street.

Additionally the activities proposed to be conducted from the structure do not result in excessive noise and traffic movements emanating from the property. Furthermore conditions of approval for home businesses commonly include restrictions on client activity and make reference to maintaining the amenity of the subject zone. It is therefore recommended that Council use its discretion to support the application.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.



- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.

Budget/Financial Implications

Approval to the use will result in a change to the rating of the property from residential to commercial.

Legal Implications

Town Planning Scheme No. 3
Statement of Planning Policy 2.3 - Jandakot Groundwater Protection Policy.

Community Consultation

The proposed development was advertised to four surrounding affected landowners. As a result of the advertising one letter of no objection and two letters of objection were received. One adjoining neighbour who objected did not want to be identified nor have their details published.

The objectors cited a desire for the residential and environmental restrictions to be maintained in the area and the potential for the application to set a precedent for further home businesses in the area. The letter of no objection was submitted on the proviso that the home business does not impact on the existing rural amenity and safety of the area, particularly in terms of noise impacts and increased traffic.

Attachment(s)

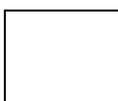
1. Location Plan indicating submissioners
2. Site plan, and floor plan of the structure from which the business is to occur.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 October 2008 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (MINUTE NO 3817) (OCM 9/10/2008) - LIST OF CREDITORS PAID
- AUGUST 2008 (5605) (K LAPHAM) (ATTACH)**

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2008, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

Background

It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month and provided to Council.

Submission

N/A

Report

The list of accounts for August 2008 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

List of Creditors Paid – August 2008.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15.2 (MINUTE NO 3818) (OCM 9/10/2008) - STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2008 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION
That Council receive the Statement of Financial Activity and associated reports for August 2008, as attached to the agenda.

COUNCIL DECISION
MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.
CARRIED 7/0

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:–

- (a) details of the composition of the closing net current assets (less restricted and committed assets)
- (b) explanations for each material variance identified between YTD budgets and actuals



- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for August 2008. The figures shown are only interim at this stage and will be subject to further end-of-year adjustments until the final audit is complete. The final end-of-year cash position including adjustments to the estimated carried forwards adopted in the 2008/09 Budget will be presented to the September meeting of Council.

Note 1 shows how much capital grants and contributions are contained within the reported operating revenue.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed leave provisions). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standard AAS27.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.



It is proposed that the materiality threshold for the 2008/09 financial year remain at \$50,000 or 10% (whichever is the greater). In applying the threshold, officers give due regard to the nature of the data and how it is best consolidated (e.g. at an individual project level, specific works program, distinct activity, nature and type level etc.).

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Where variances reported are of a permanent nature, they will impact upon Council's end of year surplus/deficit position.

Legal Implications

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, refer.

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – August 2008.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15.3 (MINUTE NO 3819) (OCM 9/10/2008) - 2008/09 BUDGET AMENDMENTS - CARRIED FORWARD WORKS AND PROJECTS & 2007/08 BUDGET SURPLUS (5402) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council amend the 2008/09 Municipal Budget to as per the following:



- (1) adjust the figures for Carried Forward Works and Projects, as set out in the schedule attached to the Agenda, totalling adjustments of \$4,114,261 to income accounts and \$4,179,179 to expenditure accounts; and
- (2) reduce the transfer to the Community Infrastructure Reserve by \$1,347,203, representing the net change in the Carried Forwards and the reduced budget surplus brought forward from 2007/08.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Background

When Council adopted its Budget for 2008/09, estimates were used for Carried Forward Works & Projects. This practice is necessary due to the adoption of the budget before the previous year is finalised. Final figures are now available (subject to audit).

Submission

N/A

Report

Now that final figures have been calculated for Works and Projects Carried Forward from 2007/08 to 2008/09, it is appropriate for the Budget to be amended to reflect the actual amounts rather than the estimates used where there are sufficient variations. A schedule of the proposed amendments is attached to the Agenda. The net impact of these changes is an increase of \$64,918 in municipal funding required.

The final budget surplus for 2007/08 came in at \$217,715. This figure is below the \$1,500,000 estimated and used for the 2008/09 budget. A factor for this variance was the adoption of the budget in June. This required an early call on the surplus and the amount estimated was within the range of Council's prior year results. However, large end of year accruals and a change to the accounting treatment for employee provisions had an adverse impact on the surplus. It should be noted that a surplus of this magnitude over a \$100 m plus budget, demonstrates effective financial management practices.



The City will not face a shortfall in its funding program for the adopted 2008/09 Budget as a result of the larger than anticipated carry forward expenditure program. The funding to replace the money's allocated to the carry forwards will come from additional interest income and interim rates revenue as well as savings in general operating expenditures. At this stage additional funds will be less than 1% of total outlays for the City during 2008/09.

The attached schedule proposes that this reduction in surplus and the additional amount required for carried forwards, be funded from a reduction in the transfer to the Community Infrastructure Reserve Fund of \$1,347,203. The 2008/09 budget currently shows a transfer of \$5,700,000 into this Reserve with a closing balance of \$1,707,337.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To develop and maintain a financially sustainable City.

Budget/Financial Implications

The Budget will be amended to reflect actual Carried Forward Works and Projects amounts rather than the estimates used when adopting the Budget.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Schedule showing 2008/09 Budget Carried Forward Reconciliation.

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.



16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 3820) (OCM 9/10/2008) - NORTH COOGEE FORESHORE MANAGEMENT PLAN - OWNER: WESTERN AUSTRALIAN PLANNING COMMISSION - APPLICANT: CITY OF COCKBURN, STOCKLAND AND LANDCORP (9523) (J SMITH) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the recommended amendments and updated information for inclusion in the final version of the North Coogee Foreshore Management Plan, as per Attachment B, for application by the City under the provisions of TPS 3 Section 5:-
 1. Extent of Stage 1 works shown as red hatching, for rehabilitation and landscaping of the foreshore area in front of the ANI apartment site, adjacent cleared works area utilised by the site office buildings for the ANI site remediation works and for reinstatement of the dual use path.
 2. Relocation of the recreational node from directly south of the ANI apartment site to a consolidated open space shown as green hatching on the west side of the car park. This greater recreational area is proposed for development in two stages, incorporating the relocation and expansion of car parking.
 3. Catherine Point groyne extension and/or reconstruction for Stage 2 works, discussed below.
 4. Future expansion of the recreation node further south and east of the current open grassed area as Stages 3 and 4 works.
 5. Future expansion of the car parking facilities as Stage 3 and future staging works.
 6. The suggested location for a commercial or community facility development as proposed in the draft Cockburn Coast District Structure Plan.
 7. Any further car parking facilities will be considered in detail with regard to the Cockburn Coast development.
 8. Future projects for the jetty, swimming pontoon and groyne fishing facilities are dependant on the beach stabilisation and swimming environment considerations of the ongoing groyne construction monitoring.
- (2) approve for the Chief Executive Officer to finalise cost sharing agreements for the implementation of the adopted North

- Coogee Foreshore Management Plan; and
- (3) list for consideration by Council future stages of the North Coogee Foreshore Management Plan for capital works and operational funding.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

Background

This report pertains to the ocean foreshore beach and dunes of C.Y. O'Connor Reserve Lots 2064 Robb Road and the northern portions of Lots 24787R Mc Taggart Cove and 44945R Bennet Avenue, North Coogee :

- Between the Island Street groyne, South Beach at the boundary with the City of Fremantle, south to Catherine Point Groyne.
- From the low water mark on the western edge and the railway line on the eastern edge.
- To the western edge of Lot 1815 Island Street, the former ANI Bradken Foundry (ANI) and associated public open space (POS) lot portions.

A Foreshore Management Plan (FMP) working group was initiated by the City of Cockburn in June 2006, with representation from the Cities of Cockburn and Fremantle, *Landcorp* and *Stockland*. The working group prepared a brief and appointed the landscape and environmental consultants *Ecoscape* to prepare the FMP document.

At the ordinary Council Meeting of 12 April 2007, Council resolved to:

- (1) Advertise the draft *North Coogee Foreshore Management Plan* for public consultation for a period closing sixty (60) days from the date of advertisement.
- (2) Refer the draft *North Coogee Foreshore Management Plan* to the *Department for Planning and Infrastructure* and *Heritage Council of Western Australia* for their review and comment.
- (3) Write a letter of support for *Ecoscape Australia* to undertake consultation through a Section 18 application under the *Aboriginal Heritage Act (1972) WA*.
- (4) Receive a further report to consider recommendations of final amendment to the *North Coogee Foreshore Management Plan* and adoption by Council.



- (5) Prior to advertising the draft North Coogee Foreshore Management Plan, the City seeks agreement from both *Stockland* and *LandCorp* to amend the plan to show:-
1. A jetty, similar in size to the Coogee Beach Jetty, to be located at the mid point of the beach between Catherine Point Groyne and Island Street Groyne.
 2. The pontoon being relocated to a point just south of the jetty proposed for the mid point of the beach between Catherine Point Groyne and Island Street Groyne.

Submission

The draft FMP report was considered by Council in April 2007, issued to relevant authorities and advertised for public for public comment for a 60 day period. The document had been amended in keeping with Council's resolutions prior to issue and dated May 2007.

In the interim period between late 2007 when the advertising period closed and this report, much negotiation has been undertaken at officer level between all stakeholder representatives, to ensure the best outcome for enhancement and ongoing management. The updated FMP document is dated June 2008.

This report considers comments received and makes recommendations for final amendment, endorsement and adoption of the FMP as policy for ongoing coordinated treatment of this portion of the North Coogee coastal foreshore.

Report

Attachment A sets out in table format all comments received during public consultation and provides comments for inclusion and changes to the draft FMP document. Officers endorsed the suggested amendments in October 2007.

Timing and Implementation

Given the multiple project parts, much consideration has been given to the timing, responsibilities and costs associated with implementing the FMP program.

Recommendations as detailed in Table 8 (Attachment D) of the FMP document require some amendment. Responsibilities and tasks remain unchanged, but timing periods should be shifted forward by one year to reflect the current status of various strategies.

Officers have been negotiating commitments to costs and implementation responsibilities with *Landcorp* and *Stockland*. In



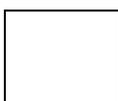
keeping with the requirement of the South Beach Residential Development Structure Plan adopted by Council in 2005, *Landcorp* and *Stockland* are required to:

Preparing and implementing a Foreshore Management Plan for the ocean foreshore to the west of the structure plan area.

The applicable area is determined as the foreshore west of the railway line, between the Island Street Groyne and Rollinson Road car park. The structure plan referred to revegetation and recreational facility development. No commitment was made to remediation of thereafter identified contaminated areas \$2.3 million in the current financial year. A cost contribution agreement has been drafted for the City's consideration, setting out funds contributions and responsibilities for executing works within the first stage of rehabilitation and development. The Executive team will review and complete the agreement to facilitate works in the forthcoming months.

Officers prepared an alternative staging program reflected in the plan *Attachment B*. This sketch proposal shows the:

1. Extent of Stage 1 works shown as red hatching, for rehabilitation and landscaping of the foreshore area in front of the ANI apartment site, adjacent cleared works area utilised by the site office buildings for the ANI site remediation works and for reinstatement of the dual use path.
2. Relocation of the recreational node from directly south of the ANI apartment site to a consolidated open space shown as green hatching on the west side of the car park as discussed under the heading regarding Dune Rehabilitation for Stage 2 works. This greater recreational area is proposed for development in two stages, incorporating the relocation and expansion of car parking.
3. Catherine Point groyne extension and/or reconstruction for Stage 2 works, discussed below.
4. Future expansion of the recreation node further south and east of the current open grassed area as Stage 3 and 4 works.
5. Future expansion of the car parking facilities as Stage 3 and future staging works.
6. The suggested location for a commercial or community facility development as proposed in the draft Cockburn Coast District Structure Plan.
7. Any further car parking facilities will be considered in detail with regard to the Cockburn Coast development.
8. Future projects for the jetty, swimming pontoon and groyne fishing facilities are dependant on the beach stabilisation and swimming environment considerations of the ongoing groyne construction monitoring.



C.Y O'Connor Beach Northern Dunes Rehabilitation Project

The City commissioned an investigation of a contaminated dune area directly west of the former ANI site and approval of the development application for earthworks, contamination removal and site management and monitoring has now been provided by the relevant authorities. Tenders are to be advertised in October for works commencing early November 2008.

The scope of works for this project area was modified to ensure optimum rehabilitation of the most affected dune areas and to rectify the portion of the dual use path lost to winter storms. Therefore, the works staging is proposed as per *Attachment B* to reflect the most productive response to the current conditions and surrounding residential development staging.

The City has also commissioned ENV Australia environmental consultants to investigate contamination of the portion of 44945R Bennet Avenue, between the ANI apartment development site and Rollinson Road car park. This was identified in the draft FMP for stage three of the development as a themed playground and high quality recreational node.

This portion of the site is currently not managed by the City and is identified as an area that has been subjected to contamination through past industrial activities of a lead smelter and a foundry. Given it is substantially well vegetated and potentially a high cost remediation project in the order of \$2 million, it may be prudent to relocate this activity node to the west side of the existing car park to an existing open grassed area, closer to the ocean and over less constrained dunes. Further consideration can be given to developing facilities in the Stage 3 location at the time of detailed design for the Cockburn Coast foreshore facilities and the suggestion is made that it may be a more useful location for expansion of car parking.

Catherine Point Groyne Extension

The FMP refers to studies initiated by the City for considering stabilising this highly modified coastal edge against the effects of severe coastal processes. The Coastal Planning Branch of the Department for Planning and Infrastructure (DPI) provided comment regarding the 30m groyne extension proposed by MP Rogers and Associates (MPA) in their report of 2007. MPA reviewed and confirmed the recommendation for reconstruction and short extension of the groyne again in May 2008, after DPI reviewed MPA's coastal process modelling methodology. The City is in regular discussion with the DPI regarding the scope, methodology and funding towards the groyne construction project. The City has engaged MPA to prepare a detailed design for the groyne, subject to DPI approval in December 2008.



Cockburn Coast District Structure Plan

This important planning study area encompasses the subject area of this FMP and a large portion of brown field development land and associated foreshore reserve south the Port Coogee. Council considered this Plan at the OCM of 11 September 2008 (Item 3802).

The FMP Working Group ensured that the FMP was aligned with the recommendations of the Cockburn Coast. It is anticipated that development contributions from the Cockburn Coast project will assist with further foreshore rehabilitation and development at this location.

Aboriginal and European Cultural Heritage

The draft FMP (May 2007) was forwarded to the *Heritage Council of Western Australia* and comments were integrated into the update June 2008 version. *Stockland* on behalf of the *City of Cockburn* and the *West Australian Planning Commission*, submitted an application under Section 18 of the Aboriginal Heritage Act (1972) WA, seeking appropriate recommendations regarding Aboriginal significance of the site.

Inclusion of interpretive information and artworks is recommended in the FMP. The Minister for Indigenous Affairs also required the attendance of an Aboriginal monitor initial earthworks related to the dune rehabilitation, to ensure any Aboriginal artefacts are properly salvaged, managed and reported.

Strategic Plan/Policy Implications

Infrastructure Development

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

Budget/Financial Implications

In the current capital works program the following two projects have funds allocated to implementing the North Coogee Foreshore Management Plan.



CW 5086 Catherine Point Groyne Extension \$470,000 (including a \$250,000 contribution from Stockland).

CW 5183 North Coogee Foreshore Management Plan \$200,000.

Legal Implications

N/A

Community Consultation

The draft North Coogee Foreshore Management Plan was issued for public comment from May to August 2007.

Copies of these documents are available in the City Libraries:

- Ecoscape (Australia), *North Coogee Foreshore Management Plan* (June 2007).
- ENV Australia, *Site Assessment and Management Plan, C Y O'Connor Beach Dunes North Coogee* (November 2006).
- M.P. Rogers and Associates, *South Beach Coastal Processes: Catherine Point Sediment Movement* (November 2005).
- *South Beach Coastal Processes: Monitoring Review (February 2007 and May 2008)* bound into one volume.

Attachment(s)

1. North Coogee Foreshore Management Plan - public comments received during the advertising period.
2. North Coogee Foreshore Management Plan: City of Cockburn Staging Proposal (August 2008).
3. North Coogee Foreshore Concept Plan, Revision L: November 2007.
4. Table 8 Recommendations of the North Coogee Foreshore Management Plan, July 2008.

Advice to Proponent(s)/Submissioners

The Applicants and those who have lodged a submission on the proposal have been advised that this matter is to be considered at the 9 October Council Meeting

Implications of Section 3.18(3) Local Government Act, 1995

Nil.



16.2 (MINUTE NO 3821) (OCM 9/10/2008) - TEMPORARY CLOSURE OF TAPPER ROAD BETWEEN ARMADALE ROAD AND LYDON BOULEVARD (450053) (J RADAICH) (ATTACH)

RECOMMENDATION

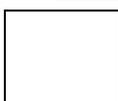
That Council in accordance with Section 3.50 of the Local Government Act 1995, approves the temporary closure of Tapper Road Atwell, between Armadale Road and Lydon Boulevard for a period of up to three (3) months from 20 October 2008, subject to the following conditions, to the satisfaction of the Director Engineering and Works:

1. The Traffic Management Plan incorporating the recommendations of the Review of Proposed Traffic Diversion Armadale Road/Tapper Road Rev. B prepared by Porter Consulting Engineers.
2. Ongoing compliance with the road works Traffic Management Plan, as modified, for Road Upgrade Armadale Road – Jandakot D M Civil prepared by Quality Traffic Management.
3. The developer to notify Harper Road residents of the temporary diversion of traffic into their street, and address any concerns.
4. The developer to obtain approval from Main Roads WA to implement a 40 km/h speed limit in Freshwater Drive and Lydon Boulevard during the closure.
5. The developer to consult with the Public Transport Authority and Southern Coast Transit to temporarily and satisfactorily re-route any required bus services prior to the closure.
6. The developer advertising to the broader Atwell community the measures it will take to minimise disruption during the closure.
7. The developer to establish and advertise a community hotline contact number to receive and address any concerns raised by residents and report outcomes to the Director of Engineering and Works on a monthly basis.
8. The developer being responsible for all costs associated with the closure and reinstatement works.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0



Background

A condition of the development of the Cockburn South Central site at Lot 9501 on the northern side of Armadale Road, Jandakot is the connection of the future North Lake Road to the Armadale Road / Tapper Road intersection. The intersection is to be signalized and the existing Armadale Road 4 - lane dual carriageway is to be extended past Tapper Road. Currently, it extends from the freeway to just east of Solomon Road.

The Armadale Road road-works and traffic signal works are under the jurisdiction of Main Roads WA.

Submission

Following approval from Main Roads and the City for the engineering design of the Armadale Road and associated road works the developer's Project Manager, Property Development Solutions, engaged a contractor to undertake the works. Concomitant with the road works is the preparation of a Traffic Management Plan by an accredited service provider.

This Traffic Management Plan has now been produced by Quality Traffic Management and is based on scheduling the construction works for the shortest possible period in order to minimize disruption to local road users. It has been submitted for the City's approval and requires:

-

- 1 The closure of Tapper Road between Armadale Road and Lydon Boulevard for a period of up the three (3) months to enable drainage, services and intersection signalization works to be undertaken in a safe manner.
- 2 A temporary access road to be constructed on the north side of the existing Armadale Road carriageway to carry east and west bound traffic whilst works are carried out on the existing carriageway and intersection.
- 3 Re-routing of Tapper Road traffic to Lydon Boulevard/Freshwater Drive for access to and from Armadale Road.

A concept plan of the proposed road closure and detour is attached to the Agenda.

Report

The following construction options were explored by the road works contractor, DM Civil, prior to settling on the fully isolated Tapper Road closure option:-



- Half road closure of Armadale Road

This option would not be feasible due to current traffic island configurations and level difference between existing and proposed pavement. This may have been an alternative if the proposed pavement was wholly to one side of the existing pavement. This option is impracticable.

- Half road closure of Tapper Road

Tapper Road has a restrictive topography with existing traffic islands and furniture. This is not conducive to a partial road closure with a sidetrack appended to either side of the existing pavement. Furthermore, the traffic would eventually need to cross the construction site, increasing costs, slowing production and increasing the risk of traffic accident. Again, this option was considered impracticable.

- Retention of Tapper Road – Armadale Road Intersection

The option of leaving the existing Tapper Road intersection in use with access to the northern side track is not practicable from a construction point of view. This option has a greatly increased risk of accident. The Tapper Road intersection is already regarded as a high risk exit due to the speed environment on Armadale Road and the sight distance, particularly for an eastward turn out of Tapper Road.

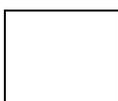
To allow access to the side track from the south will increase the possibility of traffic accidents, increase the construction time period by approximately 8 to 12 weeks and consequently increase the cost of construction by approximately \$250,000 to \$450,000 due to traffic control, detail pavement work and multiple mobilizations for subcontractors.

While there would be speed restriction in place by way of signage, these are not physical restriction. Driver behaviour in unfamiliar or altered traffic conditions poses a high risk of accident, most likely through speed, in this case. The best way to reduce or avoid this risk is to eliminate the hazard. This is done by closing Tapper Road for approximately 12 weeks.

A copy of DM Civil's report to the developer, South Central Joint Venture outlining their reasons for preferring the Tapper Road closure option is attached to the Agenda.

Closure of Tapper Road and associated Traffic Management

Current traffic volumes are up to 6,000 vehicles per day in Freshwater Drive, which creates congestion and queuing delays at Armadale Road



during peak periods. Volumes in Tapper Road are in the order of 7,300 vehicles per day, with similar congestion at Armadale Road during peak periods. The re-routing of a majority of this Tapper Road traffic to Freshwater Drive for a period of up to three (3) months would thus make an untenable situation in Freshwater Drive.

The proposal was advertised in the local community newspaper, by signs (by the developer) placed in Armadale Road, with a post out to fronting residents that would be affected by the increased traffic in Lydon Boulevard and Freshwater Drive, and at the City's libraries. Notifications were also sent to emergency service authorities, utility service authorities, Main Roads WA, Public Transport Authority, Southern Coast Transit and Atwell Community Association.

Attached to the Agenda is a summary of the responses received, with the local community extremely concerned of the detrimental effect of the temporary closure, on public safety, quality of life, accessibility and traffic congestion. It includes a petition.

Following the City's initial concerns regarding the re-routing of traffic to Freshwater Drive, and in anticipation of a strong community backlash to the proposal, the developers and their consultants, Porter Consulting Engineers, have undertaken a further traffic impact and risk assessment of the proposal and identified ameliorating measures. The final Review of Proposed Traffic Diversion Armadale Road/Tapper Road Rev. B is attached to the Agenda and recommends the following modifications to the Traffic Management Plan: -

- Divert eastbound traffic from the Atwell locality to make the right turn exit onto Armadale Road at Liddelow Road.
- Direct westbound Armadale Road traffic making the left turn entry into the Atwell locality to Liddelow Road.
- Maintain one traffic lane westbound on Armadale Road to a minimum distance of 50 metres west of Freshwater Drive. This lane to comprise the existing westbound right hand traffic lane on Armadale Road.
- Designate the existing westbound left hand traffic lane on Armadale Road to be a continuous exit lane for left turns out of Freshwater Drive.
- Maintain a 40 km/h environment on Freshwater Drive.

These diversions would increase traffic on Harper Road, which could be inconvenient for residents but is manageable. By maintaining Armadale Road westbound traffic in the northern lane only until past Freshwater Drive, left turning Freshwater Drive traffic can move unimpeded into the free southern Armadale Road lane without queuing. The right turn out of Freshwater Drive would be stopped during the closure, with the alternative at Liddelow Road available. The consultant's Traffic Management Plan Risk Analysis showed that



effective implementation of the Plan with the above modifications would provide the lowest overall residual risk for all users.

It is considered that these measures should be supported as they will minimise the impact on the community in both time and disruption in achieving the benefits of a safer intersection and access at Armadale Road / Tapper Road for the community. However, the difficulties of residents accessing to and from their properties in Freshwater Drive and also Lydon Boulevard during this period together with the impact on their safety must be recognised and it is considered that a speed limit of 40 km/h should be imposed during the period. This would also encourage motorists to choose alternative routes.

As a response has not been received from the Public Transport Authority or Southern Coast Transit, further consultation is required with them regarding altered bus routes.

Summary

- The traffic management requirements to undertake road works to duplicate Armadale Road and signalise the Armadale Road / Tapper Road intersection will cause a major disruption to traffic flow and residents in the area.
- The duplication of Armadale Road, together with traffic signals at Tapper Road is a good resolution to an existing problem intersection.
- The disruption to the local community during the road works is proposed to be minimised by:
 - providing an uninterrupted left turn out of Freshwater Drive into Armadale Road whilst Tapper Road is closed, thus minimising if not eliminating any queuing;
 - detouring Atwell traffic to and from the east in Armadale Road to use Liddelow Road;
 - implementing a 40 km/h speed limit in Freshwater Drive and Lydon Boulevard;
 - providing a community hotline; and
 - opening the Armadale Road / Tapper Road intersection for 2 weeks at Christmas time.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure development will enhance the levels of amenity currently enjoyed by the community.



Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.

Transport Optimisation

- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

Budget/Financial Implications

All costs associated with the closure will be covered by the developer.

Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

- The proposal has been advertised in a local newspaper, libraries, and service authorities, emergency services, adjoining owners and the residents association advised.
- Negative responses were received from 16 individuals.
- A petition with 194 signatures was submitted.
- Three service authorities responded with no concerns.

The developer approached the City in early September with a proposal to temporarily close Tapper Road for a period of 3 months. They also advised that due to the protracted negotiations with MRWA regarding the configuration of the road layout and contributions, they had a limited timeframe to commence construction. Whilst officers would normally prefer additional time to complete consultation, it was agreed to advertise the proposal and seek feedback despite the obvious concerns. The developer has continued to review the proposal in consultation with City of Cockburn officers and is now able to offer a scenario that minimises the concerns raised by the community.

Attachment(s)

1. Plan of temporary road closure and detour.
2. Report letter from DM Civil to South Central Joint Venture regarding traffic management options.
3. Summary of responses to the proposed temporary closure of Tapper Road plus a petition.
4. Review of Proposed Traffic Diversion Armadale Road / Tapper Road Rev. B.



Advice to Proponent(s)/Submissioners

Property Development Solutions have been advised that the application will be considered at the Ordinary Meeting of Council on 9 October 2008.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3822) (OCM 9/10/2008) - SALE OF LAND - LOT 14 AND LOT 22 PROGRESS DRIVE, BIBRA LAKE (1117891) (R AVARD) (ATTACH)

RECOMMENDATION

That Council:

- (1) support the Concept Plan Option 2 for the sale of land that forms Lot 14 and Lot 22 Progress Drive, Bibra Lake as attached to the Agenda with the following conditions:
 1. Maximise the opportunities for reciprocal parking between created lots.
 2. The land on which heritage listed trees and the memorial stand be retained by the city.
- (2) in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 Clause 6.2.6 prepare a Local Structure Plan for the development of Lots 14 and 22 Progress Drive Bibra Lake;
- (3) reconsider the Plan prepared in (2) above following the closure of the submission period;
- (4) allocate the sum of \$70,000 for the preparation of the Local Structure Plan and associated reports and documentation with funds to be drawn from the Land Development Reserve Fund and the Budget be amended accordingly;
- (5) seek the approval of the Western Australian Planning Commission for a land swap for Reserve 26954 for the revegetation areas shown on Concept Plan Option 2 should the Structure Plan for the development of the land proceed as proposed; and



- (6) allocate all funds generated from the sale of land comprising of Lots 14 and 22 Progress Drive Bibra Lake in accordance with the recommendation of the Bibra Lake Management Plan.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr J Baker that the Council:

- 1) defer the sale or lease of Lot 14 and Lot 22 Progress Drive, Bibra Lake until the Bibra Lake Draft Management Plan is released and the EPA report is available to Council and the community for consultation;
- (2) make an application to the Minister for Lands seeking an exchange of Reserve 26954 for a portion of Lot 14 and Lot 22 Progress Drive Bibra Lake as required for revegetation subject to the exchanged land being of equal value as determined by the Valuer General's office;
- (3) place on the 2009/10 budget for consideration funds to revegetate Lot 14 and Lot 22 Progress Drive, Bibra Lake; and
- (4) organise a meeting of all interested parties and Elected Members to discuss this matter further.

CARRIED 6/1

Reason for Decision

This land is part of the Beeliar Regional Parklands and an important environmental conservation area connecting Tappers Lake with South Lake and Bibra Lake. With LandCorp planning to reduce the trees in Cockburn Business Centre on the opposite side of North Lake Road, this area will be one of the few breeding areas for our bird life left. Many years ago, Council committed to replant the area with the help of the Cockburn Wetlands Centre; it is now time to fulfil this promise and protect our Wetlands and its wildlife, however if we can accommodate the skate park and the Oceanic Water Babies and also accomplish this replanting, it would be good to do so.

Background

At the Council meeting of 13 December 2007 resolved as follows:

- (1) *call for Expressions of Interest in accordance with the requirements of Section 3.58 of the Local Government Act,*



for the possible development of Lot 22 and Lot 14 Progress Drive, Bibra Lake in accordance with the nature of the reserve with the intent to create a regional recreation and leisure precinct;

- (2) require the Bibra Lake Management Plan consultants to consider the Expressions of Interest in the context of the Plan; and*
- (3) on receipt of the Expression of Interest, require a report be prepared which addresses the range of issues related to the development of the area and presented to Council no later than May 2008.*

In accordance with the Council decision Registrations of Interest were called for the purchase or lease of portions or the whole of Lots 14 and 22 Progress Drive, Bibra Lake which closed on 19 February 2008.

There was a delay in submitting a report to Council on this matter due to the need to have the development proposals for Lot 14 and Lot 22 considered in the context of the Bibra Lake Management Plan which has been prepared concurrently. The proposed development is in accordance with the management plan. The relevant section from the Draft Bibra Lake Management Plan is attached.

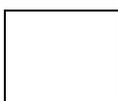
Council at its meeting of 11 September 2008 resolved to defer consideration of this item to allow Councillors sufficient time to investigate further the details contained within this report.

The matter was presented to Council at the 11 September 2008 meeting. This report largely replicates the report submitted in September 2008; however, some minor amendments to Option 1 and Option 2 have been necessary after consultation with Adventure World. Details of the amendments are provided in the report.

Submission

As a result of the Registration of Interest (ROI 01/2008) for the purchase or lease of all or portions of Lot 14 and Lot 22 Progress Drive, Bibra Lake the following submissions were received:

- Belgravia Leisure Pty Ltd
- Oceanic Babies Pty Ltd
- Adventure World (WA) Pty Ltd
- Cockburn Ice Arena Pty Ltd
- Nicvira Pty Ltd



Report

The ROI advised that the land was reserved for parks and recreation purposes under the Metropolitan Region Scheme and the City of Cockburn's Town Planning Scheme No. 3. It is in the Beeliar Regional Park with several heritage listed trees on the site.

Respondents were required to demonstrate compliance with the following criteria:

- The recreational/leisure facility offered is in demand in the district.
- The facility proposed complements other recreation activities in the precinct.
- Financial resources to carry out the project.
- Be prepared to address conservation and environmental constraints of the site.

Importantly short-listed submissions were only interested in buying the land other than Adventure World whose strong preference was to buy but would consider a lease of the land.

The submissions were assessed against the criteria with the submissions short-listed to include Adventure World, Oceanic Water Babies Pty Ltd and Cockburn Ice Arena Pty Ltd. Belgravia Leisure Pty Ltd was not included, and while they have extensive experience in managing conventional recreation facilities they did not submit a proposal for a specific facility. Nicvira are the owners of the adjoining Lot 21 Progress Drive and sought to purchase a portion of the land to expand the paintball operation currently operating on Lot 21 Progress Drive. Paintball was not considered a high value use for this land.

As Lot 21 owned by Nicvira Pty Ltd includes areas with high conservation values the City approached Nicvira's Principal to ascertain if he had any interest in swapping his land for another portion of Lot 14 to allow his land to be set aside as a conservation area, and a rational concept plan to be developed for the larger area. The owner was not interested in a land swap and hence the matter has not been pursued.

Independent consultants Plan E were commissioned to develop concept plan options to accommodate the short listed submissions on the two lots. The options have also been developed with the clear intent to conserve the Tappers Lake Wetland, create a natural vegetation linkage between South Lake and Bibra Lake and to conserve the heritage listed fig trees and monument on the site. The options prepared are attached to the Agenda. Further discussions have been held with Adventure World representatives who support Option 1.



The following are Environmental Services comments regarding the proposed options for Lots 14 & 21 Progress Drive, Bibra Lake.

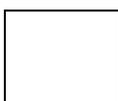
Vegetated linkage

This area is identified as an ecological link by the Perth Biodiversity Project in 2003. The long-term viability and conservation values of protected natural areas (Bush Forever Sites, Department of Environment and Conservation Estate and Regional Parks) is dependent on an effective network of regional ecological linkages that link protected natural areas by retaining local natural areas between them that can act as stepping stones for flora and fauna. For this purpose, 500 metre wide Regional Ecological Linkages that link protected natural areas with other natural areas have been identified for the Perth Metropolitan Region. A 500 metre wide width was considered to be the minimum required to promote inclusion of more viable natural areas within the ecological linkage. The identified Regional Ecological Linkages were determined based on ecological principles and ecological linkage guidelines described in 'Local Government Biodiversity Planning Guidelines for Natural Area Protection and Management in the Perth Metropolitan Region (PBP 2003).

The Beeliar Regional Park Management Plan, which was endorsed by Council in 2006, recognises and acknowledges the need for greenway corridors (linkages) that provide links between and within Beeliar Regional Park.

Fauna

- Bandicoots obviously at work in area diggings noted. Bandicoots also utilizing long grass to forage and escape predators.
- Numerous bird species utilizing trees for foraging and nesting.
- Considering the loss of trees and vegetation in the Amcor redevelopment site and further loss of trees on the corner of North Lake and Phoenix Roads due to ongoing clearing for Cockburn Commercial Park, this stand of trees becomes more important as a stop over point for Carnabys Black Cockatoo, a protected species that is increasingly under threat due to loss of habitat.
- Long neck tortoise crossing point.
- Providing habitat for reptiles and amphibians.
- Many native species, snakes in particular, tend to remain within a localised area (500 m) and will only move out of this comfort zone to breed. Linkages are important for species survival and to prevent local extinction, a common occurrence today due to our fragmented natural ecosystems.



A fauna survey is strongly recommended to be included within the structure plan report to be considered by Council.

Flora

- Limited natural under storey but appears to still be used by bandicoots, reptiles, amphibians and some bird species.
- Age of *Eucalyptus rudis* (flooded gums) and *Eucalyptus gomphocephala* - likely to be pre- European settlement.
- Young *E. rudis* trees naturally regenerating. Better establishment at less cost than what can achieved by revegetation.
- Heritage value of *Eucalyptus rudis* and *Eucalyptus gomphocephala* as integral part of the natural heritage and as important as the introduced heritage listed fig trees.
- Trees have survived farming in this area over numerous generations and may be lost for car parking.
- If trees retained but area utilized for overflow parking it is unlikely that they would survive long term due to soil compaction and pollutants entering soil.
- Examples of fig trees parasitising the stand of *rudis* which is unique and unlikely to of been documented in the Perth area.

Revegetation

- Cost to rehabilitate site greatly increased if *Eucalyptus rudis* and *Eucalyptus gomphocephala* lost. Considerable cost and difficulty to replace over storey species to existing density. It would take several hundred years to replace them in terms of their function within that ecosystem.
- It should be noted that while initial revegetation costs to rehabilitate the whole site would be significant, the maintenance cost will decrease over time.
- If there is substantial loss of vegetation the on going maintenance costs of the site will be higher.
- Revegetation costs can be spread over 5 years to reduce initial upfront costs to Council as the area acts as viable a fauna corridor in its current state.
- Trees provide valuable seed bank for future revegetation projects in this area and other similar areas.
- Provide exiting trees genetic diversity of species as surrounding populations of Eucalypts decline.
- Removal of some *Eucalyptus rudis* may result in the decline in health of those remaining.

Hydrology

- Removal of such a significant stand of *Eucalyptus rudis* and *Euclayptus gomphocephala* may cause alteration of hydrology of



site which may impact on function of wetlands and affect groundwater levels.

- Expanding the hard stand surfaces (car parks) will contribute to pollutants moving into and affecting remaining wetland areas and groundwater.

Public perceptions

- Removal of the trees may lead to the public perception that Cockburn is not retaining enough bushland. Continued urban development in Cockburn has resulted in loss of several tracts of natural areas. Much of this loss is unable to be controlled by Council due to current planning regulations. This site is under the control of Council and is a high visibility site and could be considered an ideal location for Council to show that it is committed to retaining significant stands of bushland and protecting wetlands within Cockburn.
- Approval of substantial development may contradict the ethos of Cockburn logo, Wetlands to Waves, and lead to the deterioration of the wetlands which Council is entrusted to protect.
- Allowing a substantial bushland linkage and installing fauna crossing points as part of the north lake road widening would allow Council to promote its green credentials.

Other matters to consider

- The concept plan points to fig trees being retained for historical purposes. This argument can also be applied to the Eucalypt stand.
- From a sustainability perspective Council should not be encouraging more car use by allowing development of additional car parking. Network City and Travel-smart principles should be promoted. Council should be encouraging the use of public transport.
- What justification is there for additional car parking?
- Examples of fig trees parasitising the stand of Eucalyptus. rudis which is unique and quite amazing

Option 1

This option has been revised from Option 1 considered by Council at its September 2008 meeting following discussion with Adventure World. There are no buildings proposed in this option. There is an overflow parking area of approximately 123 bays with significant trees protected and the ground treated with trafficable cells to allow water permeability.

- This option provides areas for Adventure World, Cockburn Ice Arena and Oceanic Water Babies.



- Provides for an area on the Adventure World portion of the land to be permanent parking and the balance to be over flow parking with conserved trees and water permeable ground treatment.
- Provides some vegetation linkage to the south of the lots to Bibra Lake and South Lake.
- Provides the opportunity to protect some of the more significant trees within the area designated as over flow parking.
- Provides some arboreal link between Tapper Lake and Bibra Lake.
- Does not meet the submitted option for Adventure World for the whole of the site.
- Does not meet Cockburn Ice Arenas submitted location on the present Lot 22.
- Assists in addressing the parking issues experienced during summer due to Adventure World's activities.

Environmental Services Section's View:

- Fragments Beeliar Regional Park and allows little scope to retain a substantial bushland linkage between Bibra Lake and South Lake.
- Will result in the destruction of valuable habit.
- The location of the proposed Adventure World car park and Water Babies will result in the loss of a substantial portion of the remaining stand of mature trees that are located in the multiple uses wetland. Many of these gums are quite old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- The proposed overflow parking under the existing trees may lead to soil compaction and be detrimental to the health of the remaining *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts).
- Does not allow for the minimum 50 metre buffer between Tappers Lake, a resource enhancement wetland, and the proposed Adventure World car park.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands. See attached position statement.
- The proposed Adventure World car park may result in the root disturbance of the heritage fig trees putting these trees at risk.
- Does not align with the objectives of the following Council's policies:-

Wetland Conservation Policy SPD5
 Bushland Conservation Policy SPD1
 Sustainability Policy SC37



Option 2

This option differs from Option 2 presented to Council at the September 2008 Council Meeting as it proposes the area to be used only for car parking and no buildings.

- This option provides a reduced area for Adventure World, and meets the needs of the Cockburn Ice Arena and Oceanic Water Babies.
- Provides some vegetation linkage to the south of the lots to Bibra Lake and South Lake and conserves the established trees near Tappers Lake.
- Provides arboreal link between Tapper Lake and Bibra Lake.
- Does not meet the submitted option for Adventure World for the whole of the site.
- Does not meet Cockburn Ice Arenas submitted location on the present Lot 22.
- Assists in addressing the parking issues experienced during summer due to Adventure World's activities.

Environmental Services Section's View

- Fragments Beeliar Regional Park and allows little scope to retain a substantial bushland linkage between Bibra Lake and South Lake.
- The location of the proposed Adventure World car park and Water Babies will result in the loss of a substantial portion of the remaining stand of mature flooded gums that are located in the multiple uses wetland. Many of these gums are quiet old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- Does not allow for the minimum 50 metre buffer between Tappers Lake, a resource enhancement wetland, and the proposed Adventure World car park.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands.
- The proposed Adventure World car park may result in the root disturbance of the heritage fig trees putting these trees at risk.
- Cockburn Ice Arena Water Storage is within vegetated linkage.
- Does not align with the objectives of the following Council's policies:

Wetland Conservation - Policy SPD5
Bushland Conservation - Policy SPD1
Sustainability Policy - SC37



Option 3

- Does not accommodate Adventure World on the site.
- Minimises the land for sale.
- Retains habitat value of flooded gums. These gums will provide an ideal focus for future rehabilitation work.

Environmental Services Section's View

- Allows greater connectivity/bushland linkage between South Lake and Bibra Lake.
- Minimises habitat destruction.
- Allows for retention of remaining stand of *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts) that are located in the multiple use wetland. Some of these trees are estimated to be more than 300 years old and they have numerous hollows which act as nesting and breeding sites for local bird species. The trees provide an ideal connection between South Lake, Tappers Lake and Bibra Lake and will also provide an ideal focus and support base for future rehabilitation work.
- Existing trees provide an ideal focus for future rehabilitation work.
- Locates the Ice Arena on an area of degraded land.
- No impact on multiple uses wetland that contains the mature flooded gums and links to Tappers Lake which is a resource enhancement wetland if Water Babies were moved to south eastern side, south of the Ice Arena.
- Loss of mature flooded gums if Water Babies are not relocated.
- Cockburn Ice Arena water storage is within vegetated linkage.
- Would comply with the Water and Rivers (now DEC) Position Statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands if Water Babies were relocated. See attached Position Statement.
- Would provide adequate buffer between the development and Tappers Lake if Water Babies were located.
- Minimizes impact on heritage fig trees.
- Provides numerous location options to construct fauna underpasses when North Lake Road is upgraded.
- Most closely follows the objectives of the following Council's policies:

Wetland Conservation Policy SPD5
 Bushland Conservation Policy SPD1
 Sustainability Policy SC37

Second preferred option of Environmental Services provided that it protects the Flooded Gums and Tuarts.



Option 4

- Provides an area for sale and meets the needs of Oceanic Water Babies and Cockburn Ice Arena.
- Does not address the submission from Adventure World.

Environmental Services Section's View

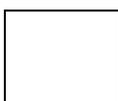
- Provides good connectivity / bushland linkage between South Lake and Bibra Lake.
- The location will result in the loss of a substantial portion of the remaining stand of *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts) that are located in the multiple use wetland. Some of these trees are estimated to be more than 300 years old and they have numerous hollows which act as nesting and breeding sites for local bird species. The trees provide an ideal connection between South Lake, Tappers Lake and Bibra Lake and will also provide an ideal focus and support base for future rehabilitation work.
- Will result in the loss of any remaining natural vegetation and impact on the multiple uses wetland.
- Minimizes buffer to Tapper Lake which is an important resource enhancement wetland.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands. See attached position statement.
- Does not align with the objectives of the following Council's policies:
 - Wetland Conservation Policy SPD5
 - Bushland Conservation Policy SPD1
 - Sustainability Policy SC37

Option 5

- Does not meet the needs of Oceanic Water Babies nor Cockburn Ice Arena.
- Provides an area of land for sale, notionally for Adventure World.

Environmental Services Section's View:

- Provides good connectivity/bushland linkage between South Lake and Bibra Lake.
- The location will result in the loss of a substantial portion of the remaining stand of *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts) that are located in the multiple use wetland. Some of these trees are estimated to be more than 300 years old and they have numerous hollows which



act as nesting and breeding sites for local bird species. The trees provide an ideal connection between South Lake, Tappers Lake and Bibra Lake and will also provide an ideal focus and support base for future rehabilitation work.

- Will result in the loss of any remaining natural vegetation and impact on the multiple uses wetland.
- Minimizes buffer to Tapper Lake which is an important resource enhancement wetland.
- Does not comply with the Water and Rivers (now DEC) Position Statement pertaining to the management objectives of resource enhancement and multiple uses category wetlands.
- Does not align with the objectives of the following Council's policies:
Wetland Conservation Policy - SPD5
Bushland Conservation Policy - SPD1
Sustainability Policy - SC37

Option 6 (not shown in a plan form)

- Revegetation of the whole site will create strong vegetation link between South Lake and Bibra Lake.
- No land sales possible.
- Does not meet the requirements of any of the applicants.
- There will be a significant cost to revegetate all of Lots 14 and 22.

Environmental Services Section's View:

- Provides best connectivity/bushland linkage between South Lake and Bibra Lake.
- No impact on Tappers Lake, a resource enhancement wetland.
- No impact on *Eucalyptus rudis* (Flooded gums) and *Eucalyptus gomphocephala* (Tuarts) on mature flooded gums and multiple use wetland.
- Provides numerous location options to construct fauna underpasses when North Lake Road is upgraded.
- Complies with objectives of the following Council's policies:
Wetland Conservation Policy SPD5
Bushland Conservation Policy SPD1
Sustainability Policy SC37
- Most likely to be supported by Department of Environment and Conservation and Beeliar Regional Park Community Advisory Committee.
- Most likely supported and applauded by public.



Option 6 is supported by Environmental Services section as it protects all of the existing wetland and vegetation areas and provides for degenerated areas to be revegetated.

Conclusion

Should Council support the approach of seeking a Local Structure Plan for the site, a requirement is for public advertising seeking comment. This process also requires the relevant government agencies to respond within an established timeframe which will greatly expedite the approval process.

In summary to progress the sale or lease of any portions of the site the following process is recommended.

- Council is to determine which concept plan option it supports.
- Instigate a Local Structure Plan process for the site.
- Council consider the submissions on the proposed Structure Plan.
- Council seek independent valuations for the land.
- Council advertise the sale of the land in accordance with Section 3.58 of the Local Government Act 1995.

Attention of Council is drawn to the status of the 640 bay car park used by Adventure World (Reserve 26954) which has access at no cost beyond the cleaning and maintenance of the area. There are no known legal arrangements between the City and Adventure World for the use of the car park area. Whilst it could be argued that the public using Bibra Lake and the adjoining landowners have some usage of the car park it is argued that the primary user of this area particularly during the summer months is Adventure World.

There will be great benefit to the community for any areas proposed to be conserved on Lot 14 and Lot 22 to be set aside as a reserve rather than held in freehold. This end could be achieved by the City negotiating with the Department of Planning and Infrastructure to swap the car park (Reserve 26954) for land held by the City in freehold and proposed to be set aside for conservation purposes. This would have the additional benefit of allowing the City to then negotiate with Adventure World for a market value lease for the car park area they currently use. Funds so raised could then be expended in accordance with the Bibra Lake Reserve Management Plan.

There is strong environmental justification for those areas that are not sold to be revegetated. The approximate cost of a revegetation program that runs over approximately 5 years to ensure a quality result is \$200,000 per hectare. Accordingly, the cost to revegetate for the options is as follows:



<u>Option</u>	<u>Approx. hectares for Revegetation</u>	<u>Total cost</u>
1	3	\$600,000
2	3.3	\$660,000
3	4	\$800,000
4	5	\$1,000,000
5	4	\$800,000
6	7	\$1,400,000

Balancing the environmental, economic and social benefits, it is recommended that Council adopt Option 2.

Strategic Plan/Policy Implications

Governance Excellence

- To develop and maintain a financially sustainable City.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

Budget/Financial Implications

An allocation of \$70,000 for the preparation of an Environmental Management Plan, land survey and legal costs associated with the preparation of documentation is required to meet the requirements for a Local Structure Plan.

It is proposed that any funds generated from the sale of the land be utilised in accordance with the recommendation of the Bibra Lake Management Plan.

Legal Implications

Local Government Act section 3.58 applies. The Western Australian Croatian Association (W.A.C.A.) also have a lease over Lot 22 which has yet to be relinquished although the club is now in breach of the lease as they have sold Lot 21 to another party and not constructed clubrooms on the site. The City is seeking to formally terminate the lease with the W.A.C.A.



Community Consultation

Registrations of interest were advertised in the 'West Australian' newspaper on 2 February 2008, closing on 19 February 2008.

The local structure planning process requires a statutory consultation process.

Attachment(s)

1. Concept Plan - Options 1 to 5
2. Multiple Use Wetlands Plan
3. Adventure World Parking – Reserve 26954
4. Extract from Draft Bibra Lake Management Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 October 2008 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil



21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS

21.1 (MINUTE NO 3823) (OCM 9/10/2008) - REQUEST FOR LEAVE OF ABSENCE - MAYOR STEPHEN LEE (1070) (D GREEN)

RECOMMENDATION

That Council grant leave of absence to Mayor Stephen Lee effective for the Ordinary Council Meetings of October, November and December 2008.

COUNCIL DECISION

MOVED Cllr H Attrill SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED 7/0

Background

The Local Government Act, 1995, specifies that Council may, by resolution, grant leave of absence to a Member and that any decision be recorded in the Minutes of the meeting. Furthermore, any Member who is absent throughout three consecutive Ordinary Meetings of the Council without leave of absence being granted is disqualified from continuing their membership.

Submission

By email dated 6 October 2008 Mayor Lee has requested of the Council leave of absence for the period 9 October 2008 to 11 December 2008, inclusive.

Report

The basis of Mayor Lee's application for leave of absence, while not specified in the application, has been fully documented in recent times following the release of the Crime and Corruption Commission ("CCC") Report, which provided opinions of misconduct against him in relation to electoral gifts associated with the 2005 City of Cockburn elections.

Mayor Lee subsequently provided an undertaking to the Minister for Local Government that he would take leave of absence for a period of time to pursue a review of the reported CCC opinions by the Parliamentary Inspector. While this commitment to the Minister is conditional upon the Mayor not being involved in the ongoing business



of Council, the period of time for this process to be pursued is unknown and it is on that basis the application for Council to consider the leave is submitted.

Mayor Lee is seeking this leave to ensure that his qualification to act in the capacity to which he was elected in 2005 is not unduly affected by the potential for the review avenue he is seeking to be delayed, thus not enabling him to fulfil his statutory obligations by not attending the next three Ordinary Council Meetings.

While it is open for Council to refuse the application, it is necessary to provide the reason for a refusal to be recorded in the Minutes of the meeting.

The issue of the Mayor taking leave while still receiving the Mayoral allowance has also been the subject of public attention.

The provision of a Mayoral allowance was the subject of a Council resolution in October 2007 and any review of that position can only be considered separately by Council as a revocation of its previous decision. The Local Government (Administration) Regulations document the procedure necessary for any such course of action.

Accordingly, the consideration of the application for leave of absence is required to be dealt with separately.

On the basis that there has been no expression of intent by any Councillor to oppose the Mayor's application, it is recommended that it be granted.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

Section 2.25 of the Local government Act, 1995, refers.

Community Consultation

N/A



Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

Mayor Lee has been informed that his request will be provided to the Presiding Member of the Council Meeting to be conducted on 9 October 2008, for consent to be considered as an item of "Urgent Business" at the meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

22 (OCM 9/10/2008) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil.

23 (OCM 9/10/2008) - CONFIDENTIAL BUSINESS

Nil.

24 (MINUTE NO 3824) (OCM 9/10/2008) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr H Attrill that the recommendation be adopted.

CARRIED 7/0



25 (OCM 9/10/2008) - CLOSURE OF MEETING

MEETING CLOSED AT 8.59 PM.

CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

